

Uvas Creek Bridge Replacement

Santa Clara County, California
District 4-SCL-152-KP 9.81/10.74 (PM 6.1/6.68)
EA 04-448800

Initial Study with Negative Declaration

California Department of Transportation



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(PM 0.27/0.31)
EA: 04-448800

Replace the existing scour damaged Uvas Creek Bridge (Bridge number 37-47) on
Route 152 immediately west of the City of Gilroy in Santa Clara County California

Initial Study with Negative Declaration

Submitted Pursuant to: (State) Division 13, California Public Resources Code

THE STATE OF CALIFORNIA
Department of Transportation

12/1/05
Date of Approval

Jared Goldfine
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Acting Office Chief
Office of Environmental Analysis
District 4 (Oakland)
California Department of Transportation

NEGATIVE DECLARATION

Pursuant to: Division 13, Public Resources Code

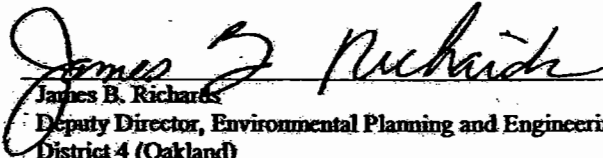
Description:

The California Department of Transportation (Caltrans) proposes to replace the existing scour damaged Uvas Creek Bridge (Bridge number 37-47) on Route 152 west of the City of Gilroy in Santa Clara County California. The new bridge will be located immediately north of the existing bridge, which would be demolished. To accommodate the highway realignment, a soil nail wall approximately 130-m (150-yd) long with an average height of 6-m (19.7-ft) will be constructed immediately east of the new bridge along the north side of Route 152 beginning at the Burchell Road intersection. Other improvements include a left-turn lane, wider shoulders, upgraded bridge rails, and metal beam guardrails.

Determination:

An Initial Study has been prepared by the California Department of Transportation (Department), District 4 (Oakland). On the basis of this study it is determined that the proposed action will not have a significant effect on the environment for the following reasons:

The proposed project would have no effect or no significant effect in the following environmental areas: aesthetics, agriculture resources, cultural resources, land use and planning, mineral resources, noise, population and housing, public services, recreation, utilities and service systems. In addition standard Caltrans construction and contract management practices are sufficient to preclude significant impacts in the following environmental areas: air quality, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and transportation.


James B. Richards
Deputy Director, Environmental Planning and Engineering
District 4 (Oakland)
California Department of Transportation

7/27/06
Date

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Chapter 1 Proposed Project

1.1 Project Characteristics

1.1.1 Purpose and Need

The California Department of Transportation (Caltrans) proposes to replace the scour-damaged Uvas Creek Bridge (number 37-47) on Route 152 west of the City of Gilroy in Santa Clara County California. The new 3-lane bridge will be located adjacent to the existing 2-lane bridge, which will be demolished. It will consist of continuous reinforced concrete (RC) or precast/prestressed concrete girders resting on two diaphragm abutments with one RC pier in the middle. The existing roadway will be realigned to connect to the new bridge.

Caltrans is considering two possible bridge alignments: immediately north of the existing bridge or immediately to the south. From a design perspective, the principal difference between them is how Route 152 will be realigned to connect with the new bridge to the east of Uvas Creek near the Burchell Road intersection. If a northern alignment is selected, a soil nail wall¹ approximately 130-m (150-yd) long with an average height of 6-m (19.7-ft) will be constructed along the north side of the highway. If a southern alignment is selected, it will be necessary to remove part of a historically significant Deodar Cedar tree-row that lines the south side of the roadway. In this case a guardrail will be provided to minimize the number of trees taken. Replacement landscaping will also be installed to complement those remaining. Under both alternatives, other roadside areas will be restored to match existing conditions with indigenous planting on slopes and new metal beam guardrails in essentially the same relative locations as the existing ones. Figure 1 is an area map with the project location indicated.

The need for this project arises from the fact that the existing bridge has experienced scour damage and must therefore be either be repaired or replaced. Scour is the removal of earth supporting the bridge foundation caused by water turbulence.

¹A soil nail wall is similar to a conventional retaining wall in that it stabilizes a slope to prevent erosion. However rather than being vertical, it is sloped toward the hill to take advantage of the retained earth's structural characteristics. Compared to a conventional retaining wall, the soil nail technique is less costly and more aesthetically pleasing.

Figure 1: Project Vicinity Map



Originally constructed in 1957, the existing reinforced concrete bridge has four spans, which means there are three piers in the waterway that are potentially subject to scour damage. Steel piles for two of these are currently exposed approximately one meter below the pile cap.

Known locally as the Hecker Pass Highway, Route 152 traverses the Coastal Mountain Range connecting Route 101 in the City of Gilroy with Route 1 in the City of Watsonville through Hecker Pass. The average daily traffic (ADT) is currently 2,852 vehicles per day, of which approximately 24.9% is trucks. In the three-year period ending May 2003, there were 10 accidents on the highway segment that includes the bridge.

Hecker Pass Highway is a major east west highway in the City of Gilroy's circulation system. It is the primary means to enter the City from properties west of Uvas Creek. An important local street, Burchell Drive, intersects Route 152 immediately east of the bridge. The main entrance to a privately owned theme park, Bonfante Gardens, is located approximately 100 yards west of the bridge. Blockages can occur on the mainline because the bridge is too narrow to accommodate left-turn traffic.

The City's recently adopted Hecker Pass Specific Plan retains Route 152 as a two-lane highway and establishes a priority to maintain its "rural character and scenic qualities". The Deodar Cedar tree row immediately east of the bridge on the south side of the roadway within the highway right-of-way has been classified in the plan as a scenic resource. The plan also proposes to accommodate increased vehicle travel demand on Route 152 by intersection improvements, which make better use of existing through capacity, rather than adding extra lanes (Gilroy 2005, Section 4.4).

The project is intended to achieve the following objectives:

- **Mitigate scour damage:** The goal is to correct the scour damage problem at the Uvas Creek Bridge, both immediately and long term.
- **Improve operating efficiency:** Highway design standards have changed since the Uvas Creek Bridge was constructed in 1957. Achieving current standards would be beneficial from the point of view of highway operations, maintenance and safety.

This project is on the candidate list for the State Highway Operation and Protection Program (SHOPP) and is to be funded by the SHOPP Bridge Preservation Program. The estimated total project cost is \$4.2-\$8.1 million for the northern alignment and \$3.2-\$7.0 million for the southern alignment

1.1.2 Project Description

The project would construct a new bridge on one of two possible new roadway alignments, i.e. immediately north of the existing bridge or immediately to the south. Characteristics of the bridge and each alignment alternative are separately discussed below.

1.1.2.1 Bridge Characteristics

The new bridge will have two 3.6-meter (m)(12-foot (ft)) through travel lanes and a 3.6-m (12-ft) left turn pocket. The existing bridge has only two 3.2-m (10.6-ft) through lanes and a narrower shoulder. Figure 2 is a comparison of existing and proposed new facilities. Figure 3 is a typical bridge cross section. The roadway will be supported by continuous reinforced concrete (RC) girders or precast/prestressed concrete girders resting on two diaphragm abutments with one RC pier in the middle. Continuous girders, if used, would be constructed on-site. Precast girders would be transported to the site. In either case, on-site work will be confined to areas that are not environmentally sensitive except as described below. Compared to the existing bridge, the new one will be less susceptible to scour damage because there will be only one pier foundation in the waterway, not three.

Figure 2: Uvas Creek Bridge Characteristics Comparison		
Feature	Existing	Proposed
Through lanes	2	2
Left turn pocket	No	Yes (3.6m)
Lane width	3.2 m	3.6 m
Paved shoulder width (average)	2.0 m	2.4 m
Paving material	AC	AC
Bridge rail	Metal beam, 2' high	Concrete* 5' high
Spans	4	2
Pier foundations	3	1
Width (maximum)	10.52 m	16.60 m
KEY: AC = asphalt concrete, * The rail will consist of a "Type 732" concrete barrier about 3 feet high with 2-foot handrails.		

The project will be completed over a two-year period. Construction will be accomplished in the first year and demolition of the existing bridge in the second. All work within the creek-bed or other sensitive areas will be take place between June 15 and October 15 of each year to minimize impact on the natural environment.

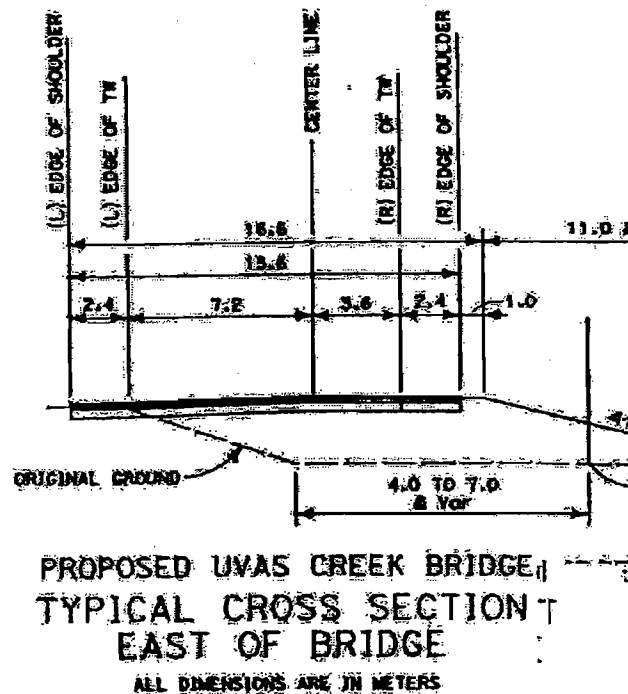
1.1.3 Construction Activities Common to Both Alignment Options

In addition to constructing the new bridge, certain construction activities are directly related to installing it at a new location. These are described below. The exact location and amount of disturbed land area will vary depending on which alignment

alternative is selected. However, the environmental effects of these changes are considered the same for purposes of determining significance under CEQA.

- **Temporary access road construction:** Two unpaved temporary construction access routes will be established within the Uvas Creek-bed. One will extend from Burchell Drive to the east bank of Uvas Creek. The other will parallel Route-152 and end at the west bank. The access roads will be located no more than 6-m (20-ft) north or south of the new bridge footprint. Much of the land area disturbed will ultimately become the new bridge approaches.

Figure 3: Typical Bridge Cross Section



- **Cofferdam and diversion channel construction:** A cofferdam and stream diversion channel will be constructed to exclude water from work areas during bridge construction and demolition. It will be assembled and removed in each of the two construction seasons. The total area of the cofferdam during both years of construction will be approximately 407 m² (4,380.91 ft²). It will be constructed 2-m (6.6-ft) beyond the north and south edges of the work area. The water barriers will be connected by an approximately 24-m (78.7-ft) plastic lined temporary channel positioned approximately 2.5-m (8.2-ft) on either side of the Uvas Creek thalweg, which is a line defining the lowest points of the existing waterway. The channel will be designed both to accommodate the maximum expected water volume and meet requirements for unrestricted wildlife passage, which are a minimum depth of

10.2 cm (4 in) and a maximum flow velocity of 5.9-feet per second (fps). A platform will also be constructed above the diversion channel to prevent debris from entering the water. To encourage fish passage, the platform will be high enough above the water to expose the diversion channel to daylight.

The U-shaped diversion channel will be made of K-rails lined with heavy gauge plastic sheeting that will be secured in place with sandbags on both sides of each K-rail. A platform will be suspended above the top of the creek diversion to prevent construction debris from entering the open channel. The suspended platforms will allow natural light into the open diversion to encourage fish passage, yet shade the channel throughout the day, keeping water temperatures cool. Environmentally Sensitive Area (ESA) fencing will be installed along the length of the channel's K-rail to prevent construction personnel and equipment from entering the active water diversion channel.

- **Roadway realignment:** The new bridge will be connected to the existing highway by two new triangular highway segments constructed either north or south of the existing highway depending on which alternative is selected. If the northern alignment is selected, it would also be necessary to cut the slope and install a soil nail wall along the north side of Route 152 beginning at Burchell Drive. If the southern alignment is selected, the connecting roadway would be constructed on fill and it would be necessary to remove 15 mature Deodar Cedar trees of historic importance. The soil nail wall and tree removal issues are further discussed below. Under either alternative the connecting roadway to the west of Uvas Creek will be constructed on fill.

Once the new bridge is in use, unused old paving will be removed, the shoulder will be re-graded and new metal beam guardrails will be installed at the same locations relative to the roadway as at present. The new highway shoulders will have a maximum downward slope ratio of 4 to 1 and will be planted with indigenous vegetation to control erosion.

- **Demolition:** The existing bridge will be demolished in the second project year during the summer months, from June 15 through October 15. Prior to removing the bridge deck, a temporary falsework platform will be constructed immediately beneath it. The existing bridge deck, girders, overhangs and tops of the abutments will then be demolished beginning in the middle of the bridge span and working outwards. Then the falsework platform will be removed and the remaining portions of the bridge abutments, pier walls and pile caps will be cut down to 0.91-m (3-ft) below grade. Access to the creek bed for demolition will be provided within the

footprint of the existing bridge and via the construction access routes established a year earlier for constructing the new bridge.

1.1.4 The Northern Alignment

This alternative would construct a new bridge approximately 3-m (9.8-ft.) upstream and to the north of the existing one. The principal difference between the northern and southern alignments is how the new bridge would connect to the existing highway on the east side of the new bridge. A southern alignment would require removal of 15 historic Deodar Cedar trees. A northern alignment would require construction of a soil nail wall to retain and stabilize the slope to the north of Route 152 east of the new bridge. Construction features unique to the northern alignment are described below.

- **Tree Removal:** Removal of 109 mature trees will be required along the north side of the roadway outside the riparian area. Of this total, 53 are Deodar Cedars with no historic importance. The remaining 56 are native oaks, many of which are located east of the bridge in the vicinity of the proposed soil nail wall.
- **Soil nail wall construction:** A soil nail wall approximately 130-m (150-yd) long with an average height of 6-m (19.7-ft) will be constructed immediately east of the new bridge along the north side Route 152 beginning at the Burchell Road intersection. The purpose of the wall is to reduce the amount of land acquisition and grading required for the bridge approach. The wall will be built using the soil nail construction technique, which allows many finished surface options for the finished concrete wall surface. It will be aesthetically treated with color and texture to compliment existing conditions.

1.1.5 The Southern Alignment

This alternative would construct a new bridge 2-m (6.6-ft) downstream and to the south of the existing one. Construction features unique to the southern alignment are described below.

- **Tree removal:** This alternative will require removal of 15 of the 115 mature Deodar Cedar trees lining the south side of Route 152 east of the bridge. This tree row has been determined to be historically important. Their removal is necessary to meet current minimum safety recovery zone requirements, which are 12-meters (39.36-feet) from edge of pavement to the nearest fixed obstacle.

A combined total of 59 mature trees will be removed along the south side of the roadway outside the riparian area. This includes the 15 Deodar Cedars mentioned above, 12 other Deodars located west of the bridge, and 32 native oaks.

- **Guardrail installation:** To improve safety and minimize the number of trees removed, a new guardrail will be installed east of the new bridge along the highway segment bordered by the Deodar Cedar trees. This will reduce the number of trees removed by 9, from 24 to 15. The new guardrail will begin near the sixteenth tree in the existing tree-row and extend for 142-m. (152-yd.). West of the new bridge, guardrails will be re-installed at the same locations relative to the bridge as at present.
- **Replacement Planting:** The new shoulder adjacent to the tree row (where the 15 cedars are proposed to be removed) would either be replanted with shrubs or with 24-inch box Cedars, if sufficient right-of-way exists. If not, shrub species similar to the following would be planted: Ceanothus species (Blue Blossom), Rhamnus (Coffeberry), Eriogonum (Buckwheat) and/or Romneya (Matilija Poppy). Other new shoulder segments will be planted and provided with drainage in accordance with best management practices for water quality protection.

1.1.6 Right of Way

Both alternatives will require right-of-way acquisition. The northern alignment would involve permanent acquisition of approximately 1.14-acres (ac) (0.46-hectare (ha)) of new right-of-way located east of the bridge near the soil nail wall. For the southern alignment, three narrow strips of land with a combined total area of approximately 0.74-acres (0.3-hectare) would be permanently acquired. They are located on both sides of the road to the east of the bridge and on the north side only to the west. In addition three temporary easements totaling approximately 0.70-ac (0.28-ha) will be obtained in these same general areas for use during construction. No homes or businesses will be displaced under either alternative.

1.2 Project Alternatives Considered and Withdrawn

In addition to the alternatives described above, Caltrans initially considered two others: a repair only alternative and reconstructing the bridge at its current location. These are described below.

1.2.1 Reconstruction

In developing the preferred study alternatives, Caltrans initially considered three possible new bridge locations: the northern alignment, the southern alignment and reconstruction in-place. Unlike the other alternatives, in-place reconstruction would require continuous traffic control and re-routing during construction. The new bridge would essentially be constructed and the old bridge demolished one-half at a time. Temporary controlled access would be maintained on either the old bridge or a recently completed portion of the new bridge.

This alternative was not evaluated in detail due to the high public inconvenience costs and related complications associated with maintaining traffic circulation during construction. Reconstructing at the current location would also take three or more construction seasons to complete, rather than two. It would also require removal of some, though fewer, Deodar Cedar trees and/or construction of a smaller soil nail wall because roadside safety clearance distances have increased since the existing bridge was built and the new bridge would be wider.

1.2.2 The Repair Only or “No Build” Alternative

Environmental law requires identification of a no build alternative to use as a baseline for evaluation of construction alternatives. If a new bridge is not constructed, the existing Uvas Creek Bridge would remain in place, the project objectives noted above would not be met and the need to correct the scour damage problem would continue to exist. According to the bridge inspection report (Caltrans 2002), this could be accomplished by either replacing the existing bridge piers or retrofitting their foundations. These options were not explored in detail because they are costly and would not yield any additional benefits in terms of improved highway operations or safety. Because the Uvas Creek-bed would still be disturbed, a repair-only project would have roughly the same temporary water quality and biological impacts as the proposed project. Over time there would be a greater disruption of riparian habitat because three bridge pier foundations, rather than one, would remain in the waterway.

1.3 Permits and Approvals Needed

Figure 4 summarizes environmental permits and approvals applicable to this project.

Figure 4: Required Permits or Approvals		
Permit or Approval	Administering Agency	Authority
Nationwide Permit (NWP) 14 (Linear Transportation Projects) & NWP 33 (Temporary Construction, Access, and Dewatering): Controls project impacts on waters of the U.S., including wetlands.	U.S. Army Corps of Engineers (ACOE)	Federal Clean Water Act (Section 404)
Section 401 Certification: Certification by the RWQCB to the ACOE and U.S. Fish and Wildlife Service that a Section 404 mitigation plan conforms to applicable Section 401 water quality standards	Central Coast Regional Water Quality Control Board (RWQCB), Region #3	Federal Clean Water Act (Section 401)
National Pollution Discharge Elimination System (NPDES) permit # 99-06-DWQ, CAS000003: Assures that completed project meets applicable water quality standards for drainage and run-off. NPDES permit #99-08-DWQ, CAS000002 (Storm Water Pollution Prevention Plan (SWPPP)): Requires measures to reduce discharge of pollutants from the project site during construction.	State Water Resources Control Board (SWRCB)	Federal Clean Water Act (Section 402)
NPDES Permitting Requirements for Dewatering Discharges: Discharges consisting solely of storm water or minor discharges of non-storm water containing sediment as the only pollutant, are allowed to be discharged under the NPDES Statewide Permit for Caltrans. Examples of the later are groundwater, water from cofferdams, water diversions, etc. The definition of a minor discharge in Region 3 is less than 0.25 mgd and 4 months duration. A major discharge of non-storm water, or storm water or non-storm water discharges containing pollutants other than sediment, require a site-specific dewatering permit from the RWQCB.	RWQCB, Region #3	Federal Clean Water Act (Section 402)
"Section 1601" Streambed Alteration agreement; "Section 2080" agreement for threatened and endangered species.	California Department of Fish and Game	California Public Resources Code
A permit is required for any work within 50 feet of the top of the Uvas Creek bank.	Santa Clara Valley Water District	District Ordinance 83-2

Chapter 2 **Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures**

2.1 Overview

This chapter presents the result of Caltrans' analysis of environmental issues relevant to this project. The following topics are discussed: aesthetics, cultural resources, water quality, storm water run-off, and biology. These topics were identified by completing the California Environmental Quality Act (CEQA) checklist, which appears in Appendix A. In addition to information presented here, this analysis is also based on supporting technical studies and other reference materials not attached to this document. A list of these appears in Chapter 5. They are available for examination and copying at the following address: California Department of Transportation, District 4, Office of Environmental Planning, 111 Grand Avenue, Oakland California, 94623-0660; telephone (510) 286-6214 (Voice), or use the California Relay Service TTY number, 1-887-735-2929. The Visual Impact Assessment and some of the documents listed in Chapter 5 may also be viewed at the following web address, where an electronic version of this document is also posted: www.dot.ca.gov/dist4/envdocs.htm

2.1.1 Resource Areas with no Adverse Impacts

Completing the CEQA checklist is part of the initial project screening whereby qualified Caltrans staff assess the likelihood of adverse environmental impacts based on general knowledge of both the project and its environmental setting. The initial screening resulted in a finding that there is no potential for adverse project impacts in the following CEQA checklist subject areas: agriculture, air quality, geology and soils, hazards and hazardous materials, hydrology, land use and planning, mineral resources, noise, public utilities and services, recreation, transportation and traffic. In addition the project will have no adverse effects that would trigger a mandatory finding of significance under CEQA. Figure 5 states the reason(s) for the "no adverse impact" determination in these areas. The remainder of this chapter covers environmental issues that were determined to require further consideration.

Figure 5: No Adverse Impact Determinations Summary

Figure 5: No Adverse Impact Determinations Summary	
AGRICULTURE RESOURCES	
	The project will neither convert farmland to non-agricultural use nor conflict with current open space or agriculture land use designations.
AIR QUALITY	
	The completed project will not violate any air quality standard, expose sensitive receptors to substantial pollutant concentrations, or otherwise conflict with the air quality plan. Standard construction management practices are adequate to prevent adverse air quality impacts during construction.
GEOLOGY AND SOILS	
	Because the Bay Area is seismically active, Caltrans routinely conducts detailed geotechnical studies and develops project specific construction features to minimize seismic risks. Project level seismic analysis includes a preliminary geotechnical report to determine soil conditions and local earthquake fault characteristics; and a design report recommending protective measures to be incorporated into final project design. Design recommendations are prepared in accordance with the following document: California Division of Mines and Geology Guidelines for Evaluating and Mitigating Seismic Hazards.
HAZARDS AND HAZARDOUS MATERIALS	
	The project will not result in any increased hazards or hazardous materials risks after construction. During the design phase of project development, once the exact location of the bridge and land to be excavated is known, detailed soil and asbestos surveys will be conducted by the Caltrans Office of Environmental Engineering. Any hazardous materials found will be encased or disposed of in accordance with applicable federal and state regulations.
HYDROLOGY AND WATER QUALITY	
	The project will not violate any water quality standards or waste discharge requirements. It will not substantially deplete groundwater supplies or alter existing drainage patterns.
LAND USE AND PLANNING	
	Both alignment options are consistent with the City of Gilroy's Hecker Pass Specific Plan in that they support the plan's objectives of retaining Route 152 as a two-lane highway and maintaining its rural character and scenic qualities (Gilroy 2005, Section 4.4). They differ in their impact on the Deodar Cedar tree-row, which is identified as a scenic resource in the plan. This topic is discussed in the visual impacts and cultural resources sections of this document. In other respects the two alignment options are considered neutral from a land use and planning perspective. They would continue the current highway use at essentially the same service level, although with increased safety and reliability. They would not involve acquisition of residential or commercial structures and will not alter community interaction patterns.
MINERAL RESOURCES	
	The project does not conflict with resource recovery plans or operations in the vicinity.
NOISE	
	The project will not cause or contribute to a substantial long-term increase in noise or ground vibration levels because there will be no increase in through traffic capacity. Standard construction management practices are adequate to prevent adverse noise impacts during construction.
POPULATION AND HOUSING	
	The project will not induce unplanned population growth, either directly or indirectly. Existing housing and businesses will not be displaced.

Figure 5: No Adverse Impact Determinations Summary

Figure 5: No Adverse Impact Determinations Summary	
PUBLIC SERVICES	
	The project will not affect provision of existing public services or measurably increase the need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for any public service. Standard Department management practices will preclude substantial adverse impacts during construction.
RECREATION	
	The project will not directly or indirectly reduce the recreational value of any public or private properties.
TRANSPORTATION/TRAFFIC	
	The project will not cause an increase in traffic that is substantial in relation to the traffic load and capacity of the existing highway. It does not conflict with plans, or programs for bicycling or other alternative transportation means.
UTILITIES AND SERVICES	
	Existing utilities and services will not be interrupted by construction and will be restored to pre-existing conditions or better afterwards. Standard Caltrans procedures for coordinating temporary service disruptions during construction are considered adequate for this project.
MANDATORY FINDINGS OF SIGNIFICANCE	
	The project replaces an existing damaged facility, does not substantially increase existing highway capacity, is consistent with the adopted regional transportation plan, and includes preventive measures to preclude environmental damage during construction. The project, therefore, will not degrade the quality of the environment. It will not cause or contribute to adverse cumulative environmental impacts or cause substantial adverse effects on human beings, either directly or indirectly.

2.2 Visual/Aesthetics

Caltrans completed a visual impact assessment and technical report for this project (Caltrans 2005B). Its purpose is to evaluate project impacts on scenic and other visual resources and identify means to maintain or improve visual quality through project design. This section summarizes information contained in that document.

2.2.1 Regulatory Setting

CEQA establishes that it is the policy of the state to take all necessary action to provide the people of the state “with...enjoyment of *aesthetic*, natural, scenic and historic environmental qualities.” [CA Public Resources Code Section 21001(b)]. Caltrans environmental policy (DP-04) states that the Department will a) protect and enhance the environment and quality of life in accordance with the environmental, economic and social goals of California, b) seek to minimize the environmental impacts of transportation improvements, and c) cooperate with other stakeholders in doing so.

2.2.2 Affected Environment

The project area is a single highway landscape unit for visual impact analysis purposes. Typical views are flat topography, occasional vistas of distant grass-covered hillsides

dotted with native oak and conifer trees, private nurseries, a recreational facility (Bonfante Gardens) and close-up views of mature Deodar Cedar (*Cedrus Deodara*) trees lining the roadway. The general landform and vegetative cover are visually consistent throughout the project area's approximately 0.9-kilometer (0.6-mile) length. The landscape has a predominantly rural character with relatively low levels of development. Visual quality is moderate-high, meaning that, although there are no exceptional components, the viewshed as a whole is a unified, intact and vivid embodiment of a rural setting. The Deodar Cedar trees lining the project area are considered to be a scenic and historic resource.

The city of Gilroy pursued designating Highway 152/Hecker Pass as a State Scenic Highway as part of the Gilroy General Plan in June of 2002. Though not yet officially designated, this portion of Route 152 is currently listed as eligible for inclusion in the California Scenic Highway System.

2.2.3 Direct Impacts

2.2.3.1 Before and After Images

To evaluate visual impacts and communicate the results of this analysis to project stakeholders and the general public, Caltrans prepared simulations of visual changes associated with each alternative. Two viewpoints were selected for comparison: one looking east from near the Burchell Drive intersection, the other looking west from a point midway between the existing bridge and the entrance to Bonfante Gardens. Figure 6 depicts the location of these viewpoints.

Figure 6: View Location Map



Figures 7 through 9 compare existing photographs with simulated future views, which were prepared by superimposing project characteristics on the existing landscape shown in the accompanying photograph. Figures 7A and B depict visual changes associated

with the northern alignment looking west from viewpoint #2. Figures 8 and 9 are from viewpoint #1. They emphasize the different visual impacts associated with the northern and southern alignments. Figures 8 A and B show visual effects associated with the soil nail wall that would be constructed under the northern alignment. Figures 9 A and B depict the visual gap that would be created under the southern alignment by removal of the 15 mature Deodar Cedars nearest the bridge.

Figure 7A: Current View Looking West



Figure 7B: Future View Looking West, Northern Alignment

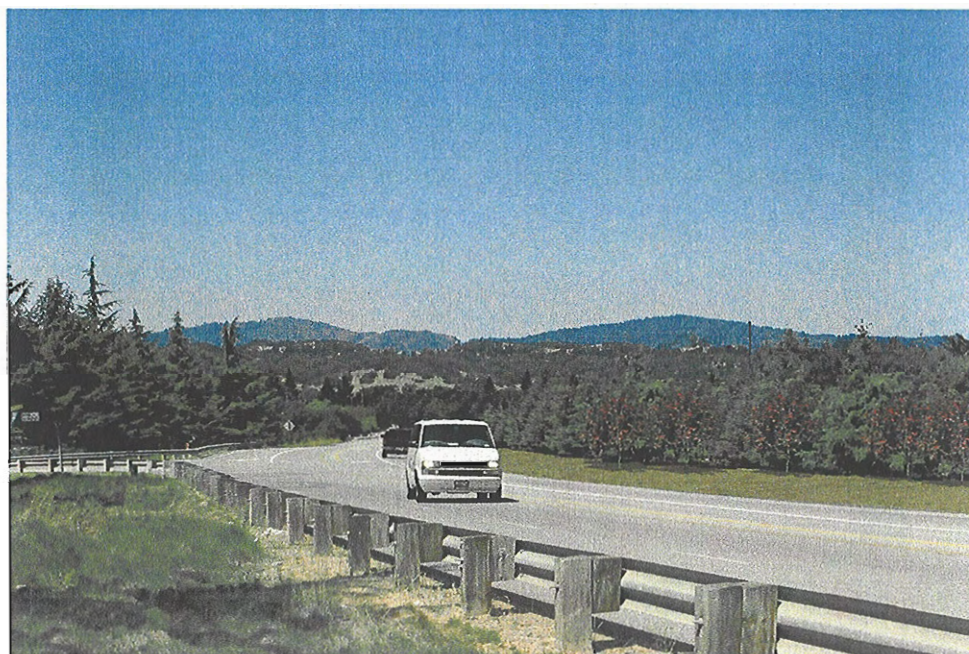


Figure 8A: Current View Looking East, Northern Alignment



Figure 8B: Future View Looking East, Northern Alignment



Figure 9A: Current View Looking East, Southern Alignment



Figure 9B: Future View Looking East, Southern Alignment



2.2.3.2 Discussion

Compared to existing conditions and each other, visual changes associated with either alignment alternative do not constitute a significant impact on the visual environment. Although visual characteristics will differ depending on which alternative is selected, neither alignment option would adversely effect scenic vistas, substantially damage scenic resources or substantially degrade the existing visual character or quality of the project area, with the use of appropriate mitigation measures. Under both alignment options, construction operations, such as earthwork and tree removal, would be the most noticeable visual aspect of the project. In the case of the northern alignment, replanted vegetation in time would become similar in nature and visual character to features of the existing highway. The new roadway would attract minor attention, not appearing out of place compared to existing conditions.

Because it would disrupt a notable feature of the existing landscape, the Deodar Cedar tree row, the southern alignment option, if chosen, would have a minor adverse effect on scenic resources and temporarily degrade the existing visual character or quality of the project area. As with the northern alignment the new visual features would be characteristic of the existing rural setting. However areas where existing trees are removed could constitute a more noticeable visual impact, at least initially, and would reduce the historic integrity of the Deodar Cedar tree row, a National Register of Historic Places eligible property, by reducing the length of the tree row. Although of short duration, lasting less than 5 seconds at the posted speed limit, the noticeable gap in the dense 18+ meter (60+ foot) Deodar Cedar tree row would be initially quite apparent to both eastbound and westbound Route 152 travelers, particularly those familiar with current conditions. This gap would become less noticeable over time.

While the impact of the southern alignment on the landscape overall would be minor, removal of the 15 cedars does constitute degradation of a scenic resource that, without mitigation, could be considered a moderate-high adverse visual impact under CEQA. Over time, the gap would become less noticeable to viewers, as an existing gap currently exists from the location where the cedars are to be removed to just west of the Uvas Creek Bridge. Mitigation measures, such as tree or shrub plantings, would help to lessen the degree of the impacts. The removal of the cedars would actually open up a new view of the distant valley and hills to the south. The created views could be considered to be either positive or negative visual elements by many viewers. The planting of shrubs would help to reduce the level of visual impact due to the loss of trees, however, the effect of the existing allee of cedars would be foreshortened and not replicated. If

sufficient right-of-way is available and replacement cedars are planted, it would take 15 to 20 years for the trees to reach a height similar to the existing ones.

2.2.4 Cumulative Impacts

Neither project alternative will cause or contribute to a significant cumulative impact on scenic resources. This determination is based on the fact that replacing the bridge will not increase the number of through highway lanes and it will be done in such a way that the rural character of the surrounding countryside will be preserved. The nature and scope of this project is consistent with the Gilroy's Heker Pass Specific Plan adopted in January 2005.

2.2.5 Avoidance, Minimization and/or Mitigation Measures

Design measures to minimize visual impacts are described below. They apply to both alignment alternatives unless otherwise indicated.

The following measures to minimize the degree of change and reduce visual impacts are recommended:

- Cut and fill slopes will be contour graded and rounded to match adjacent undisturbed topography to the extent feasible. Grading operations should not result in angular landforms.
- Exposed ground surfaces will be hydro-seeded with appropriate plant species. This should be done as early as possible for erosion control purposes. As the seeds germinate and grow, the vegetative cover would reduce the degree of visual contrast of these areas, especially as seen from more distant locations. Indigenous native species of shrubs and herbaceous plants occurring on adjacent, undisturbed slopes will colonize the seeded slopes. As these colonizing plants mature and increase in density, the visual contrast of the disturbed areas would continue to diminish. In time, vegetative cover patterns of areas disturbed during project construction would essentially match the adjacent, undisturbed areas.
- Planting originally installed in front of the entrance to Bonfante Gardens would be replaced, space allowing, and would retain as much of the original design as possible.
- Realignment/relocation of utility structures and cables should be completed so as to not become a point of visual focus or become a negative visual impact. Where possible, equipment should be placed where natural screening would help to reduce the public's view of facility. Cables should be run along alignments that reduce their visibility and visual impact.
- If the southern alignment alternative is selected, a guard rail will be placed in front of the Deodar Cedar tree row to minimize the number of trees removed. Landscaping to

complement those remaining will also be installed. These features are included in the project description for the southern alignment alternative.

- If the northern alignment alternative is selected, the soil nail wall at the intersection of eastbound Route 152 and Burchell Road would be of a texture that visually blends in with the surrounding environment. The texture pattern shown on Figure 8B is an illustrative example.

2.3 Cultural Resources

2.3.1 Regulatory Setting

The term “cultural resources” as used in this document refers to historic and archaeological resources. The California Environmental Quality Act (CEQA) and Public Resources Code (PRC) provide for protection of cultural resources. PRC Section 5024.1 established the California Register of Historic Places. Section 5024.5 requires state agencies to provide notice to, and confer with the State Historic Preservation Officer (SHPO) before altering, transferring, relocating, or demolishing state-owned historic resources.

2.3.2 Affected Environment

To assess project impacts on cultural resources an Area of Potential Effects (APE) for this project was established by Caltrans, under the authority of the Federal Highway Administration (FHWA), on December 21, 2004. The APE boundary for archaeology encompasses all areas of potential direct effects; including existing right of way, staging areas, access roads, temporary construction easements, and right of way acquisition. The APE boundary for architectural history and archaeology includes the project footprint, the bridge itself, existing state right-of-way, proposed right-of-way, easements, and staging areas. The architectural history APE boundary also includes all areas where there is a potential for indirect effect on historic built resources.

In order to identify cultural resources within the APE, a Historic Property Survey Report (HPSR), Archaeological Survey Report (ASR), and a Historic Resource Evaluation Report (HRER) were prepared (Caltrans 2004, A,B & C). These studies were completed in accordance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470f and 470h-2) and its implementing regulations (36 CFR 800.4).

No properties within the APE are currently listed or have been previously determined eligible for the National Register of Historic Places (National Register). No archaeological properties were identified as a result of the current investigation. The architectural history APE includes a segment of a single row of Deodar Cedar (*Cedrus*

deodara) trees located within the state right-of-way along the south side of the highway. This historic resource within the APE is formally evaluated and documented in the HPSR.

The historic property, known as the Deodar Cedar Tree Row or the Highway 152 Tree Row, has been determined to be eligible for inclusion in the National Register. The resource is locally significant under Criterion A, the criterion that recognizes properties associated with historic trends and patterns of events that are important within an associated context. The historic resource is significant for its association with the City of Gilroy's urban improvement efforts in the early twentieth century during Arbor Day of 1930 and 1931. For this reason, the historic resource's period of significance is 1930-1931. In addition, this property was also evaluated in accordance with Section 15064.5 (a) (2)-(3) of the California Environmental Quality Act (CEQA) Guidelines, and is considered to be a historical resource for the purposes of CEQA. The boundaries are the southern right-of-way of State Route 152 between post mile 6.5 east of Uvas Creek Bridge to post mile 7.88 at the west side of Santa Teresa Boulevard. The boundaries include the entire tree row, which is 1.39-miles long. Contributing elements include 115 Deodar Cedar trees that compose the tree row, the open space between each tree, and the open space between the edge of the highway's pavement and the tree row. Noncontributing elements include the volunteer oak trees between the Deodar Cedars.

SHPO concurred that the Highway 152 Tree Row is eligible for the National Register of Historic Places in an April 1, 2005 letter, which is reproduced in Section 3.3 of this document.

Changes to the project footprint caused by alterations to the project design were documented in a Supplemental APE signed on July 28, 2005, and a Supplemental HPSR prepared in August, 2005. No cultural resources were identified in the Supplemental APE.

2.3.3 Direct Impacts

Impacts on cultural resources vary considerably for the north-side and south-side bridge locations. Each is separately discussed below. The effects of the historic tree row are evaluated according to the criteria set forth in 36 CFR 800.5.

2.3.3.1 Northern Alignment

No historic resources are located within the project footprint under this alternative. The Highway 152 Tree Row is located within the southern right of way of the current highway alignment. The rural character of the highway corridor, while part of the tree row's setting, is not a character-defining feature of the historic resource. However, the

trees have a spatial relationship to the highway's pavement. The tree row's contributing setting characteristics include the open space between each Deodar Cedar and the open space between the highway's edge of pavement and the tree trunks.

None of the tree row's contributing characteristics is located within the project footprint. The only effect to the tree row is to the setting, and it is not an adverse effect. The road alignment would shift farther away from the tree row for a 0.5-mile segment at the western end of the tree row. This shift will change the spatial relationship of the tree row and the edge of pavement in this section. However, because the shifted alignment comprises only a 0.5-mile long shift that is gradually tapered away from the original alignment, the overall effect to the setting of the tree row will not be adverse. The tree row will still read as a planted row in relationship to the highway. Therefore, a north-side bridge location will have no adverse effect on the tree row.

This alternative will require construction of a soil nail wall along the hill located at the north side of the highway corridor. This modification to the rural highway corridor would be relatively small considering the length of the 1.39-mile corridor that contains the historic resource. If the soil nail wall is finished in a aesthetically compatible way (concrete that looks like rock, or other natural material), then the wall would have even less of a visual effect on the corridor. All other visual features of the highway's corridor, including topography and vegetation, would remain intact. Therefore, this alignment will have no adverse effect on the historic property's contributing characteristics, and no adverse effect on the resource as a whole.

2.3.3.2 Southern Alignment

The project limit for this alternative includes 24 mature Deodar Cedar trees lining the south side of the roadway east of the bridge. Under this alternative, realignment of the highway from milepost 6.1 to 6.68 would require the removal of fifteen Deodar Cedar trees out of the 115 total Deodar Cedar trees that compose the entire historic tree row. The removal of fifteen Deodar Cedars is necessary because the trees are within the 12-meter (39.36-foot) safety recovery zone required by the Caltrans Highway Design Manual for conventional highways. The new shoulder adjacent to the tree row (where the 15 cedars are proposed to be removed) would either be replanted with 24-inch box Cedars if sufficient right-of-way exists, or be planted with shrubs of species similar to the following: *Ceanothus* species (Blue Blossom), *Rhamnus* (Coffeberry), *Eriogonum* (Buckwheat) and/or *Romneya* (Matilija Poppy).

The remaining nine Deodar Cedars of the twenty-four total within the project limits would be left in place and shielded with a steel guardrail in order to preserve as many trees as possible. Installation of a guardrail cannot protect the fifteen Deodar Cedars slated for removal because the new road alignment to the bridge cannot accommodate the 1.22-meter (4-foot) minimum distance required between the face of the guardrail and the face of the tree trunk.

The southern alignment alternative would have an adverse effect on the Highway 152 Tree Row. Removing 13% of the tree row would adversely affect the materials, workmanship, and design of the resource's historic integrity. The removal of fifteen trees degrades the material integrity of the tree row and compromises the ability of the tree row to convey its significance as a street beautification work brought about by completion of the highway connecting Gilroy to the coastal region in 1928. Of the original 140 trees planted in 1930 and 1931, there are 115 that currently remain, which is 82% of the original. At this percentage the tree row remains an impressive highway feature. Removing fifteen trees in the tree row for this transportation project would bring the total tree row down to 71% of its original total of 140 trees. Incremental removal of Deodar Cedar trees from the tree row would, over time, damage the tree row's material and design integrity and could result in a negative effect on the feeling and association of the tree row in relation to the highway as it transitions into Gilroy's city limits.

However, the remainder of the tree row would still be eligible for the National Register of Historic Places because it would retain its association with local urban improvement efforts, as conveyed through its integrity of location, setting, and feeling. The tree row will continue to denote the transition between the rural and urban boundary of Gilroy's western city limits because it will remain in the same location. The rural setting will be maintained. The tree row will still be able to convey the feeling of a rural highway transitioning into the city through the visual clue of this highway landscape feature.

Because the tree row is in state right of way, this resource is considered to be a state-owned historical resource. It is therefore subject to Public Resources Code 5024, which requires Caltrans to adopt measures that will eliminate or minimize the adverse effects to the state-owned historical resource. This undertaking will not cause a substantial adverse change in the significance of the tree row as a majority of the trees will remain.

2.3.4 Cumulative Impacts

Cumulative impacts under CEQA are defined as follows: Cumulative impacts are two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- The individual effects may be changes resulting from a single project or a number of separate projects.
- The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

To identify cumulative impacts, it is necessary to identify closely related past, present, and reasonably foreseeable probable projects in the area that have the potential to affect the historic Highway 152 Tree Row.

In general, the health of the tree row appears stable. The tree row originally contained 140 Deodar Cedar trees; currently 115 trees remain. The decline of the number of trees in the tree row is due to human-caused removal rather than natural disease or death. Over the past 70 years, there have been incremental removals of trees from the tree row for unknown reasons at unknown times. It appears the removal of trees from the row over time was not caused by any highway project in the past twenty-five years.

This proposed Caltrans project would remove 15 trees, or approximately 13% of the existing resource.

Future incremental removal of trees from the historic tree row could damage the tree row's integrity, or the ability to convey its historical significance. The City of Gilroy's Hecker Pass Specific Plan, adopted in January 2005, identifies two new potential street intersections that, if constructed, could remove as many as 25 trees from the historic tree row. If the southern alignment of the Caltrans undertaking is selected, there is potential for the City's project to cause a cumulative adverse impact on the historic resource. The City's project would require Caltrans review and approval. The historic tree row is within state right of way, so it is a state-owned historic resource and therefore subject to PRC 5024. Under PRC 5024, Caltrans would be required to review effects to the tree row, to adopt prudent and feasible measures to eliminate or mitigate the adverse effect to the tree row, and to consult with the SHPO.

If the northern alignment of the Caltrans undertaking is selected, there will be no potential for cumulative effect on the historic tree row.

2.3.5 Avoidance, Minimization and/or Mitigation Measures

2.3.5.1 Northern Alignment

There will be no adverse effect on the historic tree row under this alternative; so no mitigation is required.

2.3.5.2 Southern Alignment

Mitigation would be required under this alternative to lessen the effect of the project on the historic tree row. In order to maintain nine Deodar Cedar trees at the western end of the project area, a guardrail would be placed between the edge of traveled way and nine Deodar Cedar trees left in place within the project limits. Current Caltrans safety standards require a minimum clear recovery zone of at least 12 meters (39.37 feet) between the edge of traveled way and a fixed object on conventional highways. If a fixed object cannot be removed from the clear recovery zone, then the safety standards require the object to be shielded by a guardrail. There is adequate distance to place a guardrail between the edge of traveled and the face of nine Deodar Cedar tree trunks that would otherwise be removed.

In addition to the guardrail, the new shoulder adjacent to the tree row (where the 15 cedars are proposed to be removed) would be replanted with 24-inch box Cedars, if sufficient right-of-way is determined to exist. Otherwise it will be planted with shrubs of species similar to the following: *Ceanothus* species (Blue Blossom), *Rhamnus* (Coffeberry), *Eriogonum* (Buckwheat) and/or *Romneya* (Matilija Poppy). The shrubs will be planted in such a way as to complement the remaining tree row.

Other measures to reduce adverse effects on cultural resources will be determined through consultation with SHPO and interested local parties. Caltrans has proposed mitigation through recordation following the Historic American Buildings Survey (HABS) guidelines and creation of an interpretive pamphlet for distribution to the public. However, Caltrans will consult with interested local parties in an effort to find alternative feasible mitigation measures. Details for mitigation will be considered and specified in a Memorandum of Agreement.

2.4 Water Quality, and Storm Water Runoff

2.4.1 Regulatory Setting

The primary federal law regulating Water Quality is the Clean Water Act; (CWA) administered by the U.S. Environmental Protection Agency (EPA). In California, EPA delegates its regulatory authority to the State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (RWQCBs). RWQCB Region 3, Central

Coast Region, is responsible for administering State and Federal water quality protection laws and regulations in the vicinity of the project site. Each RWQCB prepares and adopts a master policy document for managing surface and groundwater quality within its region called the Water Quality Control Plan or Basin Plan. Among other things the Basin Plan identifies water quality problems and establishes beneficial uses for each waterway within its jurisdiction. The SWRCB and RWQCB issue permits to implement the Basin Plan as well as other requirements of the CWA and State Water Code.

The following is a summary of key water quality laws and regulations:

- Section 401 of the CWA requires a water quality certification from the State Board or Regional Board when a project: 1) requires a federal license or permit under CWA Section 404, and 2) will result in a discharge to waters of the United States.
- Section 402 of the CWA establishes the National Pollutant Discharge Elimination System (NPDES) permit system to regulate municipal and industrial storm water discharges, including discharges from highways, which are defined as point source discharges. To ensure CWA compliance and facilitate processing of routine projects, the SWRCB has issued Caltrans a blanket NPDES Statewide Storm Water Permit to regulate storm water discharges from Caltrans facilities (Order No. 99-06-DWQ, CAS000003).
- Project construction activities are subject to a statewide Construction General Permit (Order No. 98-08-DWQ, CAS000002) issued by the SWRCB. The key requirement is preparation of a project specific Storm Water Pollution Prevention Plan (SWPPP), which specifies pollution control measures to be employed during construction. The SWPPP is typically prepared and implemented by the contractor doing the work. Caltrans approves the plan and assures that it is carried out through its construction contract monitoring process.

2.4.2 Affected Environment

Caltrans prepared a Water Quality Report for this project (Caltrans 2005A). This section summarizes information contained in that document.

Storm Water

The project site is located approximately 10 kilometers (6 miles) downstream of the Uvas Reservoir within the Uvas-Carnadero Creek Basin Watershed of the Pajaro River Hydrologic Unit. Storm water from the project drains into Uvas Creek, which flows southeast to join the Pajaro River about 18 km (11 miles) downstream of the bridge, and then into Monterey Bay.

The Region 3 RWQCB Basin Plan has established a variety of beneficial uses for Uvas and Bodfish Creeks. These include water supply for municipal, industrial and agricultural use in addition to public recreation, ground water recharge and wildlife habitat preservation. The Plan is intended to protect and enhance these beneficial uses. Because these water bodies are not on EPA's 303(d) List of Water Quality Limited Segments, no special regulatory requirements apply.

~~For purposes of environmental review, storm water impacts are considered the same for each alternative, although the land area impacted differs slightly. The total area of soil disturbance for the northern alignment is approximately 2.4 ha (6.0 ac). Approximately 0.75 ha (1.86 ac) of net new impervious pavement will be added. The comparable figures for the southern alignment alternative are 2.35 ha (5.9 ac) of soil disturbance and 0.71 ha (1.75 ac) of net new paving. Exposed land surfaces and construction activity will increase the potential for water pollution due to erosion (silt) and introduction of foreign materials. In the long term, the additional impervious area will slightly increase runoff. Based on Caltrans statewide studies, pollutants found in runoff include phosphorus, nitrogen, litter and various metals, both in solid state and dissolved. Typical pollutant sources are natural erosion, phosphorus from tree leaves, combustion products from fossil fuels, trash and falling debris from vehicles, and break pad wear.~~

Groundwater

The project is located in the Llagas Groundwater Sub-basin in Santa Clara County. The existing beneficial uses of the groundwater resource include municipal, industrial and agricultural uses.

2.4.3 Direct Impacts

The following discussion applies to both alternatives. Water quality and storm water impacts are generally the same for each alternative. Neither alternative would have a significant direct impact on water quality.

Storm Water

For purposes of environmental review, storm water impacts are considered the same for each alternative, although the land area impacted differs slightly. The total area of soil disturbance for the northern alignment is approximately 2.4 ha (6.0 ac). Approximately 0.75 ha (1.86 ac) of net new impervious pavement will be added. The comparable figures for the southern alignment alternative are 2.35 ha (5.9 ac) of soil disturbance and 0.71 ha (1.75 ac) of net new paving. These disturbed areas will be refined during design.

Exposed land surfaces and construction activity will increase the potential for water pollution due to erosion (silting) and introduction of foreign materials. In the long term, the additional impervious area will slightly increase runoff. Based on Caltrans statewide studies, pollutants found in runoff include phosphorus, nitrogen, litter and various metals, both in solid state and dissolved. Typical pollutant sources are natural erosion, phosphorus from tree leaves, combustion products from fossil fuels, trash and falling debris from vehicles, and break pad wear.

Groundwater

Groundwater from seepage through Uvas Creek channel may be encountered during pile work in Uvas Creek. Dewatering may be required. Early discussion should be initiated regarding the handling and disposal of water during the design phase. The ground water will be tested for potential contamination as a part of the Hazardous Waste Site Investigation. Proper handling and disposal of the ground water should be based on the levels of contaminants reported in the Site Investigation Report. There should be no long-term impact on ground water since travel volume, the primary cause of water pollution, will remain the same.

Dewatering and Non-stormwater Discharges

Construction activities such as bridge replacement have the potential to encounter ground water seepage (i.e. dry weather flows) or may involve non-storm water discharges. Early discussion shall be initiated with the Office of Water Pollution Control regarding the handling and disposal of such water. A project-specific Waste Discharge Permit (WDP) and an NPDES permit may be required from the Regional Water Quality Control Board (Region #3, Central Coast RWQCB), if substantial dewatering is to be done. The permitting period could take a minimum of 6 months. Also, the groundwater may be tested for potential contamination as a part of the Hazardous Waste Site Investigation Contract administered by the Hazardous Waste branch in the Office of Environmental Engineering. An appropriate dewatering Special Provision will then be prepared by Caltrans to ensure the proper handling and disposal of the ground water. Exact measures included in the Special Provision will depend on the levels of contaminants reported in the Site Investigation Report.

2.4.4 Cumulative Impacts

The framework for cumulative impact analysis in the areas of both water quality and biology is the immediate roadside area and the Uvas Creek-bed, which crosses the project area. Because this project would replace an existing facility at essentially the same level

of capacity, it will not cause or contribute to significant cumulative environmental impacts in these areas. Environmental protection measures incorporated into the project will preclude adverse impacts on adjacent properties and restore areas directly impacted to a state that closely approximates existing conditions.

2.4.5 Avoidance, Minimization and/or Mitigation Measures

Based on the Water Quality Impact Assessment prepared for this project (Caltrans 2005) Caltrans has determined that compliance with standard water quality regulatory and permit requirements will assure that project water quality impacts are less than significant. These requirements are summarized below and more fully discussed in the impact assessment referenced above. RWQCB Region 3, Central Coast Region, is responsible for implementation of State and Federal water quality laws and regulations in the vicinity of the project site.

- **Section 401 and 404 of the Clean Water Act:** Since a minimum of 0.12-ha of wetland will be directly affected by the proposed project under either alternative, a permit may be required from the Army Corps of Engineers under Clean Water Act Section 404 and California Department of Fish and Game (CDFG) code. A Water Quality Certification (401) from the Regional Water Quality Control Board (Region #3, Central Coast RWQCB) would also be required.
- **Section 402 of the Clean Water Act: Best Management Practices (BMPs)** stated in the Caltrans NPDES and the Construction General Permits will be incorporated into this project to reduce the discharge of pollutants, both during construction and permanently, to the maximum extent practicable. These BMPs fall into three categories, Temporary Construction Site BMPs, Design Pollution Prevention BMPs, and Permanent Treatment BMPs. A summary of each follows:

Construction Site BMPs: These are implemented during construction to control run-off. Examples include temporary silt fences, stockpile covers, and temporary soil stabilization. The measures to be used for this project will be specified in the SWPPP to be developed during construction

Permanent Design Pollution Prevention BMPs: These are permanent measures to improve storm water quality by reducing erosion, stabilizing disturbed soil areas, and landscaping. Temporary soil stabilizers such as tacked straw biodegradable fiber rolls or netting are typically used to protect exposed surfaces until new plantings establish themselves. It may also be necessary to use hay bales or other velocity dissipation devices to reduce runoff velocity and control erosion at drainage outlets. Specific measures for this project will be developed during the design phase.

Permanent Treatment BMPs: Treatment BMPs are permanent devices and facilities treating storm water runoff. Caltrans approved Treatment BMPs include biofiltration strips and swales, infiltration devices, detention devices, traction sand traps, dry weather flow diversions, media filters, gross solids removal devices, multi-chamber treatment trains, and wet basins.

Treatment BMPs requirements will be addressed in the project's Storm Water Data Report.

~~Because the project disturbs more than 1.2 ha, Treatment BMPs, will be developed during the design phase. Typical examples include Biofiltration Swales, Infiltration Basins, Detention Basins, Traction Sand Traps, Dry Weather Flow Diversions, Media Filters, Gross Solids Removal Devices (GSRDs), Multi-chamber Treatment Trains, and Wet Basins. Their exact nature and scope will be determined by Caltrans based on a variety of factors such as proximity to environmentally sensitive areas and available right of way.~~

2.5 Biology, including Wetlands

2.5.1 Regulatory Setting

This section covers the following biological areas: wetlands and other waters, plant species, animal species, threatened or endangered species, natural communities, and invasive species. A summary of regulatory requirements relative to each area follows:

Wetlands and Other Waters

Wetlands and other waters, including Uvas Creek, are protected by the federal Clean Water Act (CWA), which regulates the discharge of dredged or fill material into them. CWA Section 404 establishes a regulatory process and permit program to control such discharges. The Section 404 permit program is run by the U.S. Army Corps of Engineers (ACOE) with oversight by the Environmental Protection Agency (EPA). CWA Section 401 requires a water quality certification from the applicable Regional Water Quality Control Board (RWQCB) prior to issuing a Section 404 permit.

At the state level, wetlands and waters are regulated by the Department of Fish and Game (CDFG) and RWQCBs. In this case RWQCB Region 3 will provide the necessary water quality certification. Because this project will affect Uvas Creek within the bed and banks, a Streambed Alteration Agreement from CDFG will also be required

Plant Species:

The U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) share regulatory responsibility for the protection of threatened, endangered, or other special-status species under the Federal Endangered Species Act (FESA) and/or the California Endangered Species Act (CESA). The regulatory requirements for FESA can be found at United States Code 16 (USC), Section 1531, et. seq. The regulatory requirements for CESA can be found at California Fish and Game Code, Section 2050, et. seq. Department projects are also subject to the Native Plant Protection Act (Fish and Game Code, Section 1900-1913), and the California Environmental Quality Act (Public Resources Code, Sections 2100-21177).

Animal Species:

Many state and federal laws regulate impacts to wildlife. At the federal level these include the Migratory Bird Treaty Act and the Fish and Wildlife Coordination Act. The California Fish and Game Code contains state laws and regulations pertaining to wildlife. The U.S Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NOAA Fisheries) and the California Department of Fish and Game (CDFG) are responsible for implementing these laws, which basically require preparation of habitat conservation plans to protect wildlife.

Threatened or Endangered Species:

The primary State law protecting threatened or endangered species is the California Endangered Species Act (CESA), California Fish and Game Code, Section 2050, et seq, which is administered by the California Department of Fish and Game (CDFG). CESA requires project sponsors to implement measures to prevent intentional or unintentional loss of threatened or endangered species.

Natural Communities:

Where a project involves threatened or endangered species, FESA and CESA require consideration of the biological communities where they exist as well.

Invasive Species:

Federal Executive Order 13112, dated February 3, 1999, requires agencies administering federal highway funds to combat introduction or spread of invasive species, which are essentially non-native plants that are somehow harmful to the environment. Invasive species are specified on a list of noxious weeds established by each state. Caltrans does not use any of the species on the California list of noxious weeds for erosion control or landscaping. Therefore this project will not have an adverse impact on invasive species and this topic will not be further discussed.

2.5.2 Affected Environment

The natural environment directly impacted by this project consists of the Uvas Creek-bed plus the connecting roadway shoulders. Caltrans conducted the following studies to identify biological resources that would be affected by this project and to devise appropriate protective measures: Biological Assessment (Caltrans 2005C), Natural Environmental Study (Caltrans 2005D) and Wetlands Delineation Survey. This section summarizes information contained in those documents.

2.5.2.1 Natural Communities

2.5.2.2 Habitat Types

Six distinct natural communities or habitats are found within the biological study area for this project. The following is a brief description of each.

- **Riverine:** Riverine habitat consists of the creek itself plus associated vegetated areas that qualify as wetlands. The Uvas Creek riverine habitat is classified as waters of the United States and is therefore subject to regulation by the U.S. Army Corps of Engineers (USACE), which must approve any disruptions or modifications to the waterway. Locally, the Santa Clara Valley Water District controls creek flows. The exact boundaries of the riverine habitat were determined by a wetland delineation survey completed in March 2005. Beyond its boundaries the Uvas Creek riverine habitat supports a lush willow riparian corridor.
- **Valley Foothill Riparian:** Riparian habitat is generally classified as areas that provide cover for riverine habitats. Valley foothill riparian habitat is found along Uvas Creek within the project limits. Close to the stream and inside the ordinary high waters (OHM), saturated areas are covered by grasses, nettle and wild mint. Above the OHM line, willows and non-native black berry is common. Lining the banks of the creek are Fremont cotton wood trees, willows stands and multiple bay tree clusters.
- **Oak Woodland:** Oak Woodland habitat is characterized by open to dense canopies of oak intermixed with grassland. A large expanse of coastal oak woodland habitat parallels the north side of State Route 152 just east of Burchell Road. This habitat area supports numerous mature live oaks, deodar cedars, ponderosa pines as well as a diverse and lush understory composed of non-native annual grasses.
- **Annual grasslands:** These are open areas where introduced annual grasses, rather than trees or scrubs, are the dominant plant species. They are capable of supporting a wide variety of animal species. A narrow patch of annual grassland, which apparently was once an access road, exists along the east side of Uvas Creek. However, there are no distinct annual grasslands in the project area.

- **Urban:** Urban habitat contains a mixture of native and exotic species. In suburban areas such as this, mature vegetation can resemble that in non-urban areas. In addition to landscaped gardens and lawns, relatively large tracts of adjacent natural vegetation such as grasslands, and oak woodland abound. This area lies in the northwest side of the existing Bridge. One exception is the oak woodland habitat along the north side of State Route 152 east of Burchell Road
- **Barren:** Any habitat with less than 2% total vegetation cover by herbaceous, desert, or non-wildland species and less than 10% cover by tree or shrub species is defined as barren. Two distinct barren areas with the project limits consist of an unpaved access road behind the stands of cultivated cedars and on the northwest corner of Burchell Road.

2.5.2.3 Critical Habitat

Uvas Creek within the project area as well as two upstream tributaries, Little Arthur and Bodfish Creeks, have been designated as critical habitat for the South Central California steelhead (*Oncorhynchus mykiss*). In addition, to the standard classifications described above, the Uvas Creek Bridge itself provides roosting habitat for bats and swallows.

2.5.2.4 Special-Status Species

Special-status species are plants or animals that have been officially designated as threatened or endangered, or otherwise require special consideration: for example critical habitat or migratory birds. To determine special-status species that may be affected by this project, Caltrans consulted a variety of sources including the U.S Fish and Wildlife Service (USFWS) (Reference #1-1-03-SP-2424) and the CNDDB. The initial screening yielded total of 86 special status species that are generally associated with the project's locale. Through field visits and a more detailed analysis of available data this total was reduced to 14 animal species and no plant species with potential habitat in the project area and whose occurrence is considered to be either possible or likely. These are listed in Figure 10 below.

Figure 10: Special-Status Wildlife Species with Potential Habitat in the Project Area			
Scientific Name	Common Name	Status	Occurrence
<i>Fish</i>			
<i>Lavinia Symmetricus</i>	Monterey roach	SC	Likely
<i>Oncorhynchus mykiss</i>	South Central California steelhead	T NMFS	Likely
<i>Amphibians/Reptiles</i>			
<i>Rana aurora draytonii</i>	California red-legged frog	T PX	Possible
<i>Rana boylei</i>	Foothill yellow-legged frog	SC	Possible
<i>Clemmys marmorata marmorata</i>	Northwestern pond turtle	SC	Likely

<i>Clemmys marmorata pallida</i>	Southwestern pond turtle	SC	Likely
Birds			
<i>Vireo bellii pusillus</i>	Least Bell's vireo	E	Possible
Mammals			
<i>Antrozous pallidus</i>	Pallid bat	CA	Likely
<i>Myotis thysanodes</i>	Fringed myotis bat	SC	Likely
<i>Cornnorhinus(Plecotus) townsendii townsendii</i>	Pacific western big-eared bat	SC	Possible
<i>Eumops perotis californicus</i>	Greater western mastiff bat	SC	Possible
<i>Myotis evotis</i>	Long-eared myotis bat	SC	Likely
<i>Myotis ciliolabrum</i>	Small-footed myotis bat	SC	Likely
<i>Myotis volans</i>	Long-legged myotis bat	SC	Likely
<i>Myotis yumanensis</i>	Yuma myotis bat	SC	Likely
Status Key (E) Endangered-Listed (in the Federal Register) as being in danger of extinction. (T) Threatened-Listed as likely to become endangered within the foreseeable future. (PT) Proposed-Officially proposed (in the Federal Register) for listing as endangered or threatened. (NMFS)-Species under the Jurisdiction of the National Marine Fisheries Service (CA)-Listed by the State of California but not by the Fish and Wildlife Service (PX)-Proposed Critical Habitat – The species is already listed. Critical habitat is being proposed for it. (SC)-Species of Concern Other species of concern to the Sacramento Fish and Wildlife Office			

2.5.3 Direct Impacts

Caltrans conducted biological studies for both the northern and southern bridge alignments as part of a more comprehensive effort to identify trade-offs associated with preservation or removal of a scenic and historic resource, the Deodar Cedar trees. Generally speaking, impacts to the natural environment are considered the same for each alternative except for the number of mature trees removed, which is greater for the northern alignment.

Construction will cause temporary and permanent impacts to the natural environment due to grading, excavation, equipment movement, installation of temporary facilities such as cofferdams, wildlife barrier fence and operation of the diversion channel. Figure 11 shows the approximate land area that will be temporarily disturbed by habitat type for each alignment. For the northern alignment, approximately 3373-square-meters (m^2) or 0.83-ac of land area will be temporarily impacted. The comparable figure for the southern alignment is 4870- m^2 or 1.21-ac. The large acreage difference between oak woodland and urban habitats is due to the fact that the land is classified differently: woodland to the north, urban to the south.

Figure 12 shows the approximate land area that will be permanently disturbed by habitat type for each alignment. The approximate totals are 11091- m^2 (2.74-ac) for the northern alignment and 10629- m^2 (2.63-ac) for the southern alignment.

Figure 11: Temporary Habitat Impact Analysis				
	Northern Alignment		Southern Alignment	
	M ²	Acres	M ²	Acres
Valley Foothill Riparian	850	0.21	2088	0.52
Coast Oak Woodland	1684	0.42	0	0
Annual Grassland	0	0	115	0.03
Riverine	307	0.08	307	0.08
Barren	532	0.13	170	0.04
Urban	0	0	2190	0.54
Total	3373	0.83	4870	1.21

Figure 12: Permanent Habitat Impact Analysis				
	Northern Alignment		Southern Alignment	
	M ²	Acres	M ²	Acres
Valley Foothill Riparian	305	0.08	203.7	0.05
Coast Oak Woodland	5736	1.42	1100	0.27
Annual Grassland	0	0	275	0.07
Riverine	0	0	0	0
Barren	1250	0.31	560	0.14
Urban	3800	0.94	8490	2.1
Total	11091	2.74	10628.7	2.63

Figure 13 shows trees removed by variety and habitat type. For oak woodland and urban habitats combined, the number of trees removed differs substantially by alternative. The northern alignment would require removal of 109 trees total, including 56 oaks and 53 cedars. The comparable totals for the southern alignment are 32 oaks and 27 cedars for a total of 59. Tree loss will cause habitat changes that may alter behavior patterns of sensitive animal species including three threatened or endangered species: a fish, the South Central California steelhead, a bird, the Least Bell's vireo, and the California red-legged frog. Such impacts will not be significant however, because there is currently no shortage of similar habitat in the project vicinity and impacted areas will be returned to their present condition, more or less, in the long run.

The impact of the completed project on the natural environment is considered positive. Although paved surface area will increase due to addition of a left turn lane on the new bridge, in other respects the natural environment will be restored to pre-existing conditions or better. There will be a net gain of 180 m² (0.044 ac) to waters of the U.S. due to demolition of the existing bridge. Highway shoulder slopes will be shallower and thus less subject to erosion. Removal of large trees will be mitigated at a ratio of five to

one in off-site mitigation area that has yet to be determined. In addition to replanting with native species, Caltrans will also remove several very large stands of non-native *Arundo* (giant reed) (*Arundo donax*) along Uvas Creek near the project area.

Figure 13: Trees Removed by Habitat Type						
	South Alignment			North Alignment		
Species Surveyed	Oak woodland	Urban	Riparian	Oak woodland	Urban	Riparian
Live Oak	5	25	none	48	3	3
Valley Oak	1	1	none	5	-	4
Cultivated Deodar Cedars	0	12	none	16	37	none
Deaodar Cedars of Historic importance	none	15	none	none	none	none
Fremont Cottonwood	-	-	>5	-	-	3
Willow Clusters	-	-	>5	-	-	>5
Bay	-	-	>5	-	-	>5
Totals	6	53	>15	69	40	> 13
Source= Draft NES April, 2005						

The project will not cause or contribute to a significant cumulative impact on the natural environment because construction period impacts will be contained within project boundaries and the long-term impacts are considered positive.

2.5.4 Cumulative Impacts

The framework for cumulative impact analysis in the areas of both water quality and biology is the immediate roadside area and the Uvas Creek-bed, which crosses the project area. Because this project would replace an existing facility at essentially the same level of capacity, it will not cause or contribute to significant cumulative environmental impacts in these areas. Environmental protection measures incorporated into the project will preclude adverse impacts on adjacent properties and restore areas directly impacted to a state that closely approximates existing conditions.

2.5.5 Avoidance, Minimization and/or Mitigation Measures

The following is a summary of measures that will be implemented during construction to reduce adverse environmental impacts. These are more fully described in the Natural Environment Study (Caltrans 2004B). All preventive measures will be devised and monitored by a qualified biologist.

- **Limit area used for construction:** Caltrans will limit construction activities to the smallest area possible. Construction areas will be clearly delineated by Caltrans biologists, incorporated into the project plans and specifications, and clearly marked with environmentally sensitive area (ESA) fencing. ESA fencing will be installed and

removed in each of the two construction activity years. Vegetation will be removed by hand in construction areas to prevent harm to wildlife.

- **Discourage wildlife use of construction areas:** Trees within the oak woodland and riparian area will be removed prior to construction between August 1 and January 1 to avoid potential impacts to nesting birds. All work within the creek-bed will take place between June 15 and October 15 of each year, for two consecutive years, to minimize the impact on natural environment. A small vertebrate exclusion fence consisting of 1.2-m by 2.4-m (4-ft by 8-ft), 1.3-cm (0.5-in) thick, treated exterior plywood wired to 5.5-ft metal t-posts will be installed to exclude California red-legged frog. To prevent birds and bats from using the old bridge as a nesting sight while it is being demolished, any unused nests will be removed, potential rough nesting surfaces will be covered with smooth material and exclusion netting installed.
- **Time construction to avoid periods of animal activity:** Construction will be timed to avoid the nesting season for migratory birds and swifts and the migration period of the California redlegged frog. If construction cannot be completed during periods of animal inactivity, special measures will be implemented to prevent harm to sensitive species. These include pre-construction inspections, installation of exclusion devices and prohibiting construction near active nests.
- **Sustain aquatic habitat during construction:** A cofferdam and stream diversion channel will be installed to prevent construction activities from adversely affecting Uvas Creek and to allow passage of the South-Central California steelhead. Potential impacts to Uvas Creek aquatic resources and fisheries will be minimized by adhering to Caltrans' standard contract specifications for avoiding water pollution during construction. In essence the contractor will be required to follow a site-specific water pollution control plan including provisions for such things as keeping heavy machinery out of the water, limiting the amount of excavated or construction materials that enter the stream, and maintaining adequate water flows at all times.
- **Restore habitat to pre-existing conditions after construction:** Sensitive habitat acreage temporarily disturbed by construction will be graded and replanted to restore its original appearance and function as feasible. Trees and scrubs removed will be replanted along the roadway, where feasible or within mitigation sites at a ratio of 5 to 1 for large oak trees and 1 to 1 for others. Creek-bed mitigation will involve a mixed riparian planting treatment that includes willow (*Salix sp.*) cuttings, California blackberry (*Rubus ursinus*), sycamore (*Platanus occidentalis*), and Fremont cottonwood (*Populus fremontii*).

Chapter 3 Coordination

Early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process to determine the scope of environmental documentation, the level of analysis, potential impacts and mitigation measures and related environmental requirements. Agency consultation and public participation for this project will be accomplished through a variety of formal and informal methods, including: project development team meetings, and interagency coordination meetings. This chapter summarizes these efforts. The objective is to fully identify, address and resolve project-related issues through early and continuing coordination.

3.1 Locations for Viewing the Environmental Document

This environmental document is available for public viewing at the following locations. An electronic version is available at the following web address:

www.dot.ca.gov/dist4/envdocs.htm

Gilroy City Hall, Planning Division
7351 Rosana Street
Gilroy, CA 95020
(408) 846-0400

Gilroy Public Library
7387 Rosana Street
Gilroy, CA 95020
(408) 842-8207

Caltrans District 4
111 Grand Avenue
Oakland, CA 94623
(510) 286-4444

3.2 Organizations and Individuals Contacted

A list of organizations and individuals receiving a copy of the draft document will be included in the final document.

3.3 Cultural Resources Coordination

The Department surveyed historic and archeological sites within the project's area of potential impact (APE). This led to identification of one resource, of a row of Deodar Cedar (*Cedrus deodara*) trees as a significant historic property. This process was completed in direct consultation with FHWA and the State Office of Historic Preservation (SHPO). On April 1, 2005 SHPO concurred with the Department's finding that the tree row is eligible for inclusion in the National Register of Historic Places and that there are no other historic properties within the project's APE.

The Department has determined that the project will adversely affect the Route 152 tree row, if the southern alignment is selected. The northern alignment would not adversely affect the tree row. The Finding of Effect report was submitted to SHPO in November, 2005. A copy of SHPO correspondence appears on the following page.

STATE OF CALIFORNIA - THE RESOURCES AGENCY

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942898
SACRAMENTO, CA 94286-0001
(916) 653-8624 Fax (916) 653-9824
calshpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov

RECEIVED

ARNOLD SCHWARZENEGGER, Governor



APR 05 2005

OFFICE OF ENVIRONMENTAL ANALYSIS

April 1, 2005

Reply To: FHWA050202A

Brian Ramos, Ph.D.
Chief, Office of Cultural Resource Studies
Caltrans District 4
11 Grand Avenue
PO Box 23660
Oakland, CA 94623-0660

Re: Determination of Eligibility for the Proposed Uvas Creek Bridge Replacement Project at State Route 152 near Gilroy, CA [04-SCL-152, KP 9.82/10.62, PM 6.1/6.68, EA 448800]

Dear Dr. Ramos:

Thank you for consulting with me about the subject undertaking in accordance with the *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (PA)*.

The California Department of Transportation (Caltrans) is requesting my concurrence, pursuant to Stipulation VIII.C.5 of the PA, that the Highway 152 Tree Row is eligible for the National Register of Historic Places (NRHP) under criterion A at a local level of significance for its association with Gilroy's urban improvement projects carried out during Arbor Day of 1930-1931. The period of significance is 1930-1931. Pursuant to PRC §5024(b), Caltrans is also requesting my concurrence that the Highway 152 Tree Row, a state-owned resource, meets NRHP criteria and should be added to the State's Master List. I concur.

In accordance with Stipulation IX.B. of the PA, the Department has found that there are historic properties within the APE that may be affected by the undertaking. The Department will apply the Criteria of Adverse Effect pursuant to Stipulation X. The Federal Highway Administration (FHWA) will continue consultation with me in accordance with those provisions of Stipulation X. that FHWA determines apply to such further consultation.

If you have any questions, please contact Natalie Lindquist of my staff at (916) 654-0631 or e-mail at nlind@ohp.parks.ca.gov.

Sincerely,

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Chapter 4 List of Contributors

This environmental document was prepared by the Caltrans District 4 (Oakland), Office of Environmental Planning and Engineering. The following is a list of individuals who directly participated in preparation of this environmental document. The organization listed is a unit of Caltrans unless otherwise indicated.

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Chapter 5 References

Text Reference	Document Citation
Gilroy 2005	City of Gilroy. Hecker Pass Specific Plan, Prepared by Ruggeri-Jensen-Azar & Associates, January 2005
Caltrans 2005A	Environmental Engineering Office. Water Quality Report, Oakland, CA., August 2005.
Caltrans 2005B	Landscape Architecture Office. Visual Impact Assessment Technical Report, Route 152 Uvas Creek Bridge Replacement and Roadway Realignment Project, Oakland, CA., December 2005
Caltrans 2005C	Natural Sciences and Permits Office. Uvas Creek Scour Mitigation Project, Biological Assessment, Oakland, CA., May 2005.
Caltrans 2005D	Natural Sciences and Permits Office. Uvas Creek Scour Mitigation Project, Natural Environment Study, Oakland, CA., May 2005.
Caltrans 2005E	Office of Cultural Resource Studies. Finding of Effects Report for the State Route 152 Uvas Creek Bridge Replacement Project in Santa Clara County, California, November, 2005).
Caltrans 2004A	Office of Cultural Resource Studies. Historic Property Survey Report for the State Route 152 Uvas Creek Bridge Replacement Project in Santa Clara County, California, December, 2004).
Caltrans 2004B	Office of Cultural Resource Studies. Archaeological Survey Report for the State Route 152 Uvas Creek Bridge Replacement Project in Santa Clara County, California, December, 2004).
Caltrans 2004C	Office of Cultural Resource Studies. Historic Resource Evaluation Report for the State Route 152 Uvas Creek Bridge Replacement Project in Santa Clara County, California, December, 2004).
Caltrans 2002	Structure Maintenance and Investigations Office. Bridge inspection Report, Uvas Creek Bridge (number 37-0047), Oakland, CA, October 2002

Appendix A: Environmental Significance Checklist

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. Where the checklist determination is something other than “no impact”, the associated environmental topic is further discussed in Chapter 2 of the environmental document. A table summarizing the reasons for each “no impact” determination appears in Chapter 2.

Environmental Significance Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district might be relied upon to make the following determinations. Would the project:				

Environmental Significance Checklist

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Measures	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
IV. BIOLOGICAL RESOURCES: Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
V. CULTURAL RESOURCES: Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Significance Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Implementation	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
VI. GEOLOGY & SOILS: Would the project:				
Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
VII. HAZARDS AND HAZARDOUS MATERIALS B Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Environmental Significance Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
VIII. HYDROLOGY AND WATER QUALITY: Would the project:				
Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
j) Inundation by tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
IX. LAND USE AND PLANNING: Would the project:				
Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Environmental Significance Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
X. MINERAL RESOURCES: Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
XI. NOISE: Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
XII. POPULATION AND HOUSING: Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
XIII. PUBLIC SERVICES				
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Environmental Significance Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
XIV. RECREATION:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
XV. TRANSPORTATION/TRAFFIC: Would the project:				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
XVI. UTILITIES AND SERVICE SYSTEMS: Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Have sufficient water supplies available to serve the project from existing or new entitlements and resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Environmental Significance Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
XVII. MANDATORY FINDINGS OF SIGNIFICANCE:				
Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Appendix B: Public Review and Comment

1.1 Summary

This appendix describes the public review and comment process for the draft environmental document (DED), and responds to public comments. The DED described two possible locations for the new Uvas Creek bridge: immediately upstream or north of the existing one, Alternative A, and immediately downstream or to the south, Alternative B. Of the two alternatives presented in the Initial Study, Caltrans has selected Alternative A, the northern alignment. Alternative B has been dropped from consideration. The Negative Declaration based on this document relates only to the northern alignment, Alternative A.

In addition to addressing environmental issues, several commenters also indicated their bridge alignment preference. Of 18 opinions expressed by commenters, 16 favored the northern alignment, which Caltrans has selected; and 2 favored the southern alignment. The Gilroy City Council also adopted a resolution in favor of the northern alignment.

1.2 Organizations and Individuals Contacted

The project was presented to a combined public meeting of the Gilroy City Council and Planning Commission on Monday January 9, 2006. A publicly advertised informational meeting was held in the City of Gilroy at the South Valley Middle School on Thursday January 12, 2006. In addition to a newspaper announcement in the Gilroy Dispatch a meeting notice was directly mailed to the organizations and individuals listed on Figure 14.

Figure 14: Organizations and Individuals Contacted

Elected Officials	
The Honorable Barbara Boxer	United States Senator
The Honorable Dianne Feinstein	United States Senator
The Honorable Mike Honda	Congressman, 15 th California District
The Honorable Elaine Alquist	California State Senator (District 13)
The Honorable Abel Maldonado	California State Senator, 3rd District
The Honorable John Laird	California State Assemblymember, 22 nd District
The Honorable Simon Salinas	California State Assemblymember, 20 th District
Mr. Pete McHugh	Chairperson, Santa Clara County Board of Supervisors
Individuals and Organizations	
Ms. Lisa Dobbins	Executive Director, Action Pajaro Valley
Mr. Eugene Y. Leong	Executive Director, Association of Bay Area Governments
Mr. Dean Munn	Association of Monterey Bay Area Governments
Mr. Tom Peradi	Bay Area Air Quality Management District
Mr. Dan Fish	Bonfante Gardens Inc.
Mr. Robert Hight	California Department of Fish and Game
Mr. Carl Wilcox	California Department of Fish and Game
Ms. Barbara Cook	California Department of Toxic Substances Control

Mr. Jerry Tidwell	California Highway Patrol
Ms. Diane Eidam	California Transportation Commission
Manager	Central Coast Regional Water Quality Control Board
Ms. Melissa Durkin	City Planner, City of Gilroy
Mr. Bill Faus	Planning Manager, City of Gilroy
Mr. Bill Card	Planning Manager, City of Hollister
Mr. Michael Holland	Senior Planner, City of Los Banos
Mr. Bill Nicholson	Planning Director, City of Merced
Mr. Jim Row	Planning Manager, City of Morgan Hill
Ms. Jenny Mahoney	Planning Manager, City of Salinas
Mr. Larry Cain	City Manager, City of San Bautista
Mr. Stephen Haase	Director of Planning, City of San Jose
Mr. Hans Larsen	City of San Jose Transportation Department
Mr. John Doughty	Director of Community Development, City of Watsonville
Mr. Bill Knoff	Vice President, Commuter Alliance
Ms. Lisa Berg	Rideshare Coordinator, Council of San Benito Governments
Mr. Richard Scagliotti	Council of San Benito Governments
Mr. Scott Hennessy	Director of Planning and Building, County of Monterey
Mr. Rob Mediola	Director of Planning and Building, County of San Benito
Chair	Gilroy Elks Lodge No. 1567
Manager	Gilroy Golf Course
Librarian	Gilroy Public Library
Owner	Goldsmith Seeds Inc.
Chair	Director, Greenbelt Alliance
Chair	Hoey Family Partnership
Owner	Hoey Ranch Company
Mr. Steve Heminger	Executive Director, Metropolitan Transportation Commission
Mr. Steve T. Kinsey	Chair, Metropolitan Transportation Commission
Mr. Marc Roddin	Metropolitan Transportation Commission
Regulatory Branch	National Marine Fisheries Service
Mr. Larry Myers	Native American Heritage Commission
Ms. Milford Wayne Donaldson, FAIA	Office of Historic Preservation
Manager	Pacific Gas and Electric Company
Josephine and Jess Arias	Property owner
Mary and George Besson	Property owner
Richard and Barbara Blocher	Property owner
Ms. Gemma Castro	Property owner
Mr. Conald Christopher	Property owner
Debra and Samuel Cruz	Property owner
Patricia and Joseph Giacaone	Property owner
Harry A. Giretti	Property owner
Clyde Griewing	Property owner
Mr. James Suner	Property owner
Ms. Elizabeth Thomas	Property owner
Manager	Public Utilities Commission
Mr. Kent Haggerty	Raleys
Ms. Ann Draper	Director of Planning, Santa Clara County
Mr. Peter Kuras	Santa Clara County Executive
Mr. Michael Murdter	Director, Santa Clara County
Mr. John Ristow	Santa Clara Valley Transportation Authority
Ms. Sue Tippetts	Santa Clara Valley Water District
Ms. Colleen Haggerty	Santa Clara Valley Water District
Mr. Barry Boulton	Sierra Club, Loma Prieta Chapter
Mr. Kurt Michielssen	South Valley National Bank
Ms. Terry Roberts	State Clearinghouse
Mr. Walt Allen	Senior Transportation Planner, Transportation Agency for Monterey County

Regulatory Branch	U. S. Army Corps of Engineers
Region 9	U. S. Environmental Protection Agency
Mr. Gary Hamby	U.S. Department of Transportation
Ms. Tina Rodriguez	Verizon Communications

1.3 Comments and Responses

1.3.1 Overview

This section includes comments received at the public meeting, other correspondence, and the Department's response. Figure 15 lists comments received by author. The text of each comment and the Department's response appears on the following pages in the order listed on Figure 15.

Figure 15: List of Comments Received

Reference	Commenter
Organizations	
1	Barrie D. Coate and Associates
2	Bonfante Gardens
3	City of Gilroy
4	Gilroy Historical Society
5	Santa Clara Valley Water District
6	Save Open Space -- Gilroy
7	South Valley Streams for Tomorrow
Individuals	
8	Arthur Barron
9	Chris Cote
10	Frank Hastings
11	Roberta H. Hughan
12	Tom Muniz
13	Tom and Jane Olcot
14	Andy Ordons
15	Emelinda Puente Jr.
16	Jack Richards
17	Connie Rogers
18	Carolyn Tognotti
19	Carolyn A. Straub and Stephen L. Mc Henry
20	Dean Moon



**BARRIE D. COATE
and ASSOCIATES**

Horticultural Consultants
23535 Summit Road
Los Gatos, CA 95033
408/953-1052

Comment #1

January 26th, 2006

Jared Goldfine
CalTrans, District 4
Office of Environmental Analysis
Mail Station 8B
PO Box 23660
Oakland, CA 94623-0660

Dear Mr. Goldfine:

I enclose a copy of a letter I prepared for Carolyn Tognetti, a member of a committee committed to preserving the row of old Deodara Cedars which line the south side of a lower portion of Hecker Pass Highway in Gilroy.

Joan Spencer, a member of the City of Gilroy City Council asked me to send you a copy along with information about the longevity of Deodara Cedars.

In my experience, Deodara Cedars are one of the longest lived species commonly used in California landscapes.

Specimens planted in 1922 south of Wellman Hall at UC Berkeley are 60' or more in height, still in vigorous healthy condition.

In Plants that Merit Attention, Volume 1 by the Garden Club of America, mature fine specimens are mentioned from the National Arboretum in Washington DC to the University of Georgia and at Stryburg Arboretum, San Francisco, and Filoli Gardens, Woodside.

A specimen at the San Dimas Mansion in San Dimas is 118 years old and still vigorous and healthy.

In Altadena, California 170 Deodara Cedars were planted in 1882. Most are 60-80' tall and still vigorous and healthy.

In other words, the currently excellent health of all but one of the Cedars along Hecker Pass Highway, suggests that they have the potential to live many more useful years.

Note that annual shoot growth, foliage density and foliage color are all excellent in these trees. These three factors may be used to evaluate tree health and they certainly suggest these trees are healthy.

.12

Jared Goldfine
CalTrans, District 4

In my opinion, as a tree lover, a professional arborist and one who respects the many years required to reach the majesty of these specimens, I ask if you cannot convince the engineers to consider the history and the rare local examples of a long row of healthy old trees as more important than the easiest, straightest road design.

Sincerely,



Barrie D. Coate
ISA #586
ASCA #237

Cc: Joan Spencer
Carol Tognetti

Response to Comment #1: The commenter provided information on the Deodara or Deodar Cedars that constitute the tree row and expressed the view that the project design should place a high value on this resource. This is considered to be one of 16 expressions of support for the northern alignment option (Alternative A) noted in Appendix B Section 1.1.

Bonfante
Gardens
Family Theme Park
Managed by Paramount Parks

Comment # 2

January 19, 2006

Mr. Jared D. Goldfine
District Branch Chief
Caltrans
P.O. Box 23660
Oakland, California 94623-0660

RE: Uvas Creek Bridge Reconstruction

Dear Mr. Goldfine:

Bonfante Gardens, a 501 C 3 charitable not-for-profit corporation, appreciates the opportunity to comment on the Uvas Creek Bridge project. Our comments and concerns are listed below:

- Construction Related Traffic Delays, Complications and Temporary Road Closures We were pleased to learn at the January 12th open house that no temporary road closures are planned for Highway 152 and that steps will be taken to minimize traffic delays and complications during construction. Increasing attendance over the next several years is an important goal for Bonfante Gardens, and it would be unfortunate if traffic congestion due to construction work was a hindrance to park attendance.
- Possible Future Signal At some point in the future, a traffic signal at the entrance to Bonfante Gardens may be warranted. To the extent possible, the final bridge design should address this possibility to minimize or eliminate future modifications to the bridge and/or entrance to the park.
- Access to 5.7 acres to the north of Bonfante Gardens Entrance Currently, access to this land area (owned by Bonfante Gardens), is at the western edge of the property, immediately east of Bodfish Creek. If a signal were to be installed at the park entrance, it is possible that a signalized ingress/egress point to the 5.7 acres could be achieved, which would improve access to this property. Please address this possibility in evaluating various bridge locations and designs.

Home of the Circus Trees!

- Land Acquisition, Restoration of Landscaping If the "northern" alternative is selected, it appears that Caltrans may have to acquire a small amount of land along the frontage of the 5.7 acres. Because fairly large setbacks from the creeks will be required, it is important that we retain as much buildable land area as possible. Therefore, we hope the ultimate bridge design will minimize or eliminate the acquisition of Bonfante Gardens land along the 152 frontage. In addition, if some of the existing landscaping must be removed and replanted, we expect that similar size and quality tree/shrub specimens will be used (see note below). Because the major focus of Bonfante Gardens is horticulture, it is vital that the frontage landscaping along our properties be of the very highest quality.

Note: Michael Bonfante, founder of Bonfante Gardens and one of our Board Members, believes that the large Deadora Cedar trees and the multi-trunk Crepe Myrtles that have been planted along the 5.7 acre frontage may be able to be removed, boxed and replanted once the bridge and roadway work is completed. We would like to discuss this possibility with you before landscape redesign plans are prepared.

- Northern Alternative There seems to be a growing consensus by the City Council, City Staff and concerned citizens that the northern alternative is the best design option. Bonfante Gardens also believes that the northern bridge is probably the best choice for the community and our garden park.
- Architectural Treatment of Retaining Wall We were pleased to learn that Caltrans has proposed several aesthetically pleasing designs for the northern option wall. We believe that the architectural treatment of the wall should appear "natural" and fit within the context of this scenic corridor of Highway 152.
- Contact Information Please add Chairman Bob Kraemer (bkraemer@garlic.com) and Director John Kent (jkent@pacificoak.com) to the distribution list of all written information submitted to Bonfante Gardens.

Thank you in advance for your careful consideration of our comments and concerns. We appreciate it.

Sincerely,



Bob Kraemer

Response to comment #2:

- This is one of 16 expressions of support for the northern alignment option (Alternative A) noted in Appendix B Section 1.1.
- The letter also identified non-environmental issues concerning the project's relationship to adjacent properties. These will be addressed through separate direct coordination with property owners.



City of Gilroy

COMMUNITY DEVELOPMENT DEPARTMENT

7351 Rosanna Street, Gilroy, CA 95020

Planning Division	(408) 846-0440 FAX: (408) 846-0429
Engineering Division	(408) 846-0450 FAX: (408) 846-0429
Building, Life & Environmental Safety Division	(408) 846-0430 FAX: (408) 846-0429
Housing & Community Development	(408) 846-0290 FAX: (408) 846-0429

February 16, 2006

Jared Goldfine
CalTrans, District 4
Office of Environmental Analysis
Mail Station 8B
P.O. Box 23660
Oakland, CA 94623-0660

Comment # 3

RE: City Council Action on Hecker Pass Highway Alignment

Dear Mr. Goldfine,

At their January 23, 2006 meeting, the Gilroy City Council reviewed CalTrans's proposed alternative alignments to accommodate the reconstruction of the Uvas Creek Bridge. The Council passed a motion to recommend that CalTrans select the Alternative A alignment.

The City Council has not yet made a recommendation for the alignment of Hecker Pass Highway through the Hecker Pass Specific Plan area. Staff and the applicant are currently researching additional information that the Council will use to make that decision. I will let you know as soon as they make a recommendation on this street alignment.

Please contact me at (408) 846-0440 or Melissa.Durkin@ci.gilroy.ca.us if you have any questions.

Respectfully,

Melissa Durkin
Planner II

First in Service to the Community

Response to comment #3:

This is one of 16 expressions of support for the northern alignment option (Alternative A) noted in Appendix B Section 1.1.



Gilroy Historical Society

P.O. Box 1621, Gilroy, CA 95021-1621

January 20, 2006

Mr. Jared Goldfine, Senior Environmental Planner
Department of Transportation, District 4
Office of Environmental Planning, Mail Station 6
111 Grand Avenue
Oakland, CA 94612
Subject: Initial Study, Uvas Creek Bridge Replacement
Santa Clara County, CA

Comment #4

Dear Mr. Goldfine:

Thank you for providing the opportunity to comment on the comprehensive Initial Study with Proposed Negative Declaration, Uvas Creek Bridge Replacement, Santa Clara County, approved December 1, 2005 by the California Department of Transportation (Caltrans).

Members of the Gilroy Historical Society reviewed the Initial study and attended the Open House in Gilroy hosted by Caltrans. As a result, the members want to go on record as advocating your selection of the northern alignment of the Uvas Creek bridge replacement. Along with many other Gilroyans, we are highly interested in protecting the mature Deodar Cedar trees of historic and aesthetic importance that line the south side of Hecker Pass Highway, Route 152. These trees, currently numbering 115, form the Hecker Pass Highway Tree Row that has existed here for 75 years. The trees were planted by Gilroyans, some of whom remember doing that as youngsters, to celebrate Arbor Day in 1930 and 1931.

There are historical, scenic, environmental and cumulative impacts to consider in design of the replacement bridge. The proposed alignment north of the existing bridge would definitely have a more positive result than the proposed southern alignment would particularly when the complementary realignment of Route 152 in the City of Gilroy east of the bridge is considered.

The following comments emphasize some of the information contained in the Initial Study that supports the selection of the northern alignment. Some

The Society is incorporated as a 501(c)(3) educational organization and may receive tax deductible donations.

suggestions of ours are included. As a historical society, we are limiting our comments to protection of a Gilroy historic resource.

Visual and Aesthetic Impacts: As explained in the Initial Study, if existing trees are removed, this can constitute a visual impact, and reduce the historic integrity of the Tree Row by reducing its length. In the 2.2.3.3 Discussion section, there is statement that "the existing alley of cedars would be foreshortened and not replicated." There is also the statement that removal of the 15 cedars does constitute a degradation of scenic resource, that without mitigation, could be considered a moderate-high adverse visual impact under California Environmental Quality Act (CEQA). See our discussion below about Caltrans proposed replacement planting mitigation

The Tree Row introduces to our city travelers from the west and has done so for 75 years. No other cities in our area have been able to preserve their tree rows. Caltrans selection of the northern alignment can help us keep our city's western gate unique.

Historic Resources: Tree Row is currently a significant and handsome historic gateway to Gilroy. The California Office of Historic Preservation has verified that the trees are eligible for inclusion in the National Register of Historic Places. This portion of Route 152 is currently listed as eligible for inclusion in the California Scenic Highway System. This property is considered to be a historical resource for the purposes of CEQA. In the Initial Study it says, "the boundaries include the entire tree row, which is 1.39 miles long. Contributing elements include 115 Deodar Cedar trees that compose the tree row, the open space between each tree, and the open space at the edge of the highway's pavement and tree row." The northern bridge alignment would have little adverse effect on this historical resource. But the southern bridge alignment certainly would have.

Cumulative Impacts: In the Initial Study, Gilroy's Hecker Pass Specific Plan is referenced, but little actual consideration is given to the complementary alignment of Route 152 east of the replacement bridge. However, in the 2.3.4 Cumulative Impacts section, a very important point is made that "If the southern alignment of the Caltrans undertaking is selected, there is potential for the City's project to cause a cumulative adverse impact on the historic source."

We strongly suggest that the consistency and compatibility of the City of Gilroy's alignment of Route 152 (1.1 miles) and the alignment of the new bridge (0.6 miles) should be discussed much more extensively in the Initial Study. A significant total number of historic Deodar Cedars can be saved if the alignment of the Caltrans bridge and the City roadway widening are both to the north of the existing bridge and roadway.

The direct impacts on Tree Row are as follows. If both alignments were to the north, no historic trees would be lost in the Caltrans project and six in the City project (Alt. 1, north alignment) for a total of six trees lost. Of the 115 trees in Tree Row, 5 percent would be lost in the northern alignment versus 40 percent in the southern alignment. Survival of Tree Row is obviously at stake.

We ask that Caltrans analyze the impacts of these projects together, as obviously there are many cumulative impacts. The historic Tree Row is within the state right-of-way, so it is a state-owned resource. And Caltrans has the final say in both project. In addition, "piecemealing" of projects is not allowed under CEQA.

Replacement Planting: In discussing the southern alignment, the Initial Study states in several places that the 15 cedars proposed to be removed would either be replanted with shrubs or replaced with 24-inch box cedars "if sufficient right-of-way exists." If the southern alignment should be chosen, certainly Caltrans could design the bridge approach to accommodate cedars, not just shrubs. That would at least help preserve the Tree Row effect.

CEQA requires mitigation measures. Any mitigation selected should focus on new cedar trees, again, not shrubs. And the new cedar trees should be located contiguous to Tree Row, certainly not in an "off-site mitigation area that has yet to be determined" as described in the 2.5 Biology section.

Negative Declaration: We have noted above some reasons we disagree with the conclusion in Caltrans Proposed Negative Declaration that the southern alignment, if selected, 'would not cause a substantial adverse change in the significance of the historic tree row because the significance of this historic resource would not be materially impaired.' The southern alignment certainly would materially impair Tree Row. Also, the negative declaration does not take into account the cumulative effects resulting from the widening of Hecker Pass Highway east of the bridge by the City of Gilroy.

4
A

Again, we advocate Caltrans select the northern alignment of the Uvas Creek replacement bridge. Thank you for any consideration you give to our advocacy. This issue is of importance to the people of Gilroy. If you have any questions, please call me at (408) 842-8494, or Roberta Hugan at (409) 842-5375.

4
B

Sincerely,

Connie Rogers

Connie Rogers, President
cc City of Gilroy

Response to comment #4:

4A: In our analysis we concluded that the southern alignment option by itself would not cause a substantial adverse change in the historic significance of the tree row. Caltrans agrees that the cumulative impact of this and other planned projects would be adverse and potentially significant. The cumulative impacts discussion in Section 2.3.4 of the initial study has been modified to reflect this. The negative declaration issued for this project applies only to the northern alignment, which has no significant visual or cultural resource impacts.

4B: This is one of 16 expressions of support for the northern alignment option (Alternative A) noted in Appendix B Section 1.1.

Jared Goldfine, AICP
District Branch Chief
Office of Environmental Analysis—District 4
510/286-6203 (ph.) 510/286-6374 (fax)

— Forwarded by Jared Goldfine/D04/Caltrans/CAGov on 01/27/2006 09:07 AM —

"Yvonne Arroyo" To: <jared_goldfine@dot.ca.gov>
<yarroyo@valleywater.org> cc:
Subject: Uvas Creek Bridge Replacement—Initial Study with Proposed Negative Declaration
01/26/2006 06:11 PM

Dear Mr. Goldfine,

The Santa Clara Valley Water District (District) has reviewed the Initial Study and Proposed Negative Declaration for the subject project, received on December 19, 2005. The District has the following comments:

1. The Initial Study does not include any discussion on potential impacts to flooding conditions from the new bridge. The Initial Study should discuss the design parameters of the new bridge relative to existing flooding conditions. Also, the Initial Study should discuss how flooding conditions may be impacted during the winter season when there will be 2 bridges located in Uvas Creek. Additionally, the statement alone that the new bridge will have one pier opposed to the 3 piers in the existing bridge does not necessarily mean that the new bridge will have less impact on Uvas Creek's habitat or future erosion potential. If the proposed single pier is not appropriately located, it may have a greater impact on Uvas Creek than the existing bridge.
2. District Ordinance 83-2 requires issuance of a District permit for any work within 50 feet of the top of bank of Uvas Creek. 2 sets of construction plans should be sent for our review and issuance of a permit prior to start of construction.
3. Without a drawing showing the plan view alignment of the 2 alternatives, it is difficult to tell which alternative may have a bigger impact on flooding in Uvas Creek. Grading and bridge construction will need to be such that there is no increase in water surface elevations in Uvas Creek from those shown on Federal Emergency Management Agency (FEMA) maps. A FEMA floodway is designated in this reach of Uvas Creek. A hydraulic analysis should be prepared to show the new bridge will not increase FEMA water surface elevations. The District also recommends the bridge be designed to accommodate 100- year design flows identified by the United States Army Corps of Engineers (ACOE) during the study of the Uvas Creek levee improvements located further downstream. The ACOE design flows are larger than the FEMA 100-year flood flows.
4. Biologically, the District would favor the southern alternative since it appears to impact less riparian and riverine habitat from the information provided.

Your cover letter states "The deadline for submitting comments, should you wish to do so, is January 26, 2006." However on page iii, it states the deadline is January 23, 2006. We requestfully request that you include our comments into your file for consideration.

Yvonne Arroyo
Associate Engineer
Community Projects Review Unit
SCVWD
Ph (408) 265-2607, extension 2319
Fax (408) 979-5635

Response to Comment #5:

5A: Detailed bridge design will be accomplished by the Caltrans Structures unit based in Sacramento, which has extensive experience designing similar facilities throughout the state. The design phase will include back-flow calculations to determine water surface elevations and account for temporary obstructions, such as extra bridge piers, and a scour analysis to determine a pier location and/or pile depth that minimizes or withstands scour consistent with other design considerations. Current Structures design parameters specify that the design flood is designated as the greater of either the level that has a 2% chance of being exceeded in any given year (Q50) or the "flood of record" with 0.6m freeboard. Specifications also note that the bridge be designed convey the Q100 base flood without freeboard. Recommendations made in this letter will be forwarded to the Caltrans structures unit and incorporated if feasible.

It would not be cost effective to conduct detailed hydraulics studies prior to selecting a build alternative. Based on analysis conducted thus far however, it is clear that neither proposed bridge location poses any unique design challenges. The new bridge will be better than the existing one in terms of its impact on hydrology/water quality and constructing it will not have a significant impact on the environment.

5B Caltrans will obtain the permit. Figure 4 of the Initial Study has been revised to reflect this.

5C: See response 5A above.

5D: This is one of two expressions of support for the southern alignment option (Alternative B) noted in Appendix B Section 1.1.

Save Open Space – Gilroy
7690 Santa Theresa Drive
Gilroy, CA 95020
January 22, 2006

Mr. Jared Goldfine
Senior Environmental Planner
Department of Transportation, District 4
Office of Environmental Planning, Mail Station 6
111 Grand Avenue
Oakland, California 94612

Comment #6

Subject: Initial Study, Uvas Creek Bridge Replacement
Santa Clara County, California

Dear Mr. Goldfine:

Thank you for inviting us to comment on the thorough Initial Study for the Uvas Creek Bridge Replacement. We are a local environmental grass roots group with broad interests in preserving the agricultural and scenic areas of south Santa Clara County. As such, we have served on the City's General Plan Committee and the Hecker Pass Specific Plan Committee and have a solid understanding of local planning issues.

Members of Save Open Space – Gilroy have reviewed the Initial Study and attended the Open House hosted by CalTrans in Gilroy on January 13, 2006. We have discussed both the Initial Study and the City of Gilroy's proposed widening of Highway 152 east of the bridge project at our meeting on January 18th which was also attended by Mayor Al Pinheiro. We want to submit the following comments:

There are many aspects of the bridge replacement to consider and they become even more complex when the City's adjacent widening project is considered. We would like to address the visual aesthetics, cultural resources and cumulative impacts of both projects in this letter. We also want to go on record officially as supporting the northern alignment of both the bridge and the highway widening project. We do not agree with the proposed negative declaration.

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Visual and Aesthetic Impacts

If the southern alignment is carried out and 15 cedar trees are removed, the visual impacts will be significant. This will reduce the tree row by two tenths of a mile, reduce the historic integrity of the row and substantially alter the visual character of the area. The trees would be replaced with only shrubs, completely changing the feeling of entering Gilroy. Section 1.1.5 notes that the minimum safety zone requirements are over 39 feet from the edge of the pavement and CalTrans staff at the Open House verified that it is your policy not to plant any trees within 30 feet of the roadway. Therefore the effect of the tree row could not be replicated by the new landscaping.

The visual effect of the northern alignment will also be changed by the addition of the retaining wall at the corner of Burchell Road. Although several non-historic trees on the hill will need to be removed, we like the idea of a natural looking retaining wall and think it actually improves the aesthetics if the wall looks like natural rock.

We completely disagree with section 2.2.4, which states that there are no cumulative impacts on scenic resources, and that the project is consistent with the Hecker Pass Specific Plan. The Specific Plan states repeatedly states that the goal is to preserve the rural and scenic character of the Hecker Pass Area (Goal 3-1). Section 4.4 of the Specific Plan states that the most important consideration of both our General Plan and the Specific Plan is protection of the highway's scenic qualities and discourages the widening of the road. It also says, "By avoiding future widening along most of the corridor, the existing stands of Deodara Cedar trees that add to the scenic quality of this corridor can be preserved to the greatest extent possible." Unfortunately the southern alignment in the eastern section which the City is considering would remove 30 cedar trees. This, if coupled with the southern alignment of the bridge, would totally remove 45 of the remaining 115 cedars, leaving only half of the original 140!

The complete length of the historic cedar row not only serves as an entryway to the City, in the westbound direction it serves as an entry to Bonfante Gardens, our premiere tourist attraction that in itself is tree-centered. This area has been featured in Sunset and Via magazines and Bay Area Back Roads television show. It provides the basis for our desire for Scenic Highway designation. Additionally, some of the most beautiful views of the row are from points south of the row, away from highway 152 itself.

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Cultural and Historic Resources

CalTrans has verified that the entire tree row (1.3 miles long) is eligible for the National Register of Historic Places due to its association with the nationwide beautification movement in the 1930s, often implemented through Arbor Day plantings. This civic improvement effort was carried out by school children under the auspices of the Rotary Club. At the time (1930/31) many other communities had similar tree row plantings, including our neighboring city, Watsonville. The significance of Gilroy's Deodara Cedar row is that no others exist today, increasing its historic value to our area.

Selection of the northern bridge alignment will not cause any historic cedars to be removed and is therefore our clear choice. The southern alignment would materially adversely affect the tree row by removing 15 of the 115 remaining trees, or 13%. This is an unacceptable degradation of Gilroy's historic and visual resources. As the Initial Study explains, because the trees are in the state-owned right of way, they are actually a state-owned historic resource, so any loss would have state-wide implications. It is the responsibility of CalTrans, owner of the right of way where the trees are planted, to preserve this state-owned historic resource for its entire length.

Cumulative Impacts

The Initial Study refers to the Hecker Pass Specific Plan of the City of Gilroy, but fails to analyze or include any of the impacts created by the Plan's intersections with Hwy. 152. Save Open Space – Gilroy feels very strongly that the impacts of the Specific Plan, especially as they relate to the road alignment and the cedar row, must be considered simultaneously with the bridge replacement. Since the trees are in the right of way and are a state-owned historic resource, CalTrans, as a state agency, must do its utmost to protect the trees. In addition, the Hoey house and garden on the north side of Hwy 152, across from the middle of the tree row, is also eligible for the National Register of Historic Places. Because of its proximity to the west intersection the historic Hoey garden is also threatened.

Although an EIR was completed for the Hecker Pass Specific Plan, it did not address the impacts of the proposed intersections on the highway, the tree row or the Hoey house and garden. We believe the Gilroy City Council needs more detailed environmental evaluation (perhaps a supplemental EIR) before selecting the road alignment they prefer. At the time the Hecker Pass EIR was completed it was not known that the cedars were eligible for the National Register or were state-owned historic resources. In fact, the cedar trees were not even listed among the biological resources in Section 2.4 of the

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Specific Plan, therefore no impacts to them were revealed. Additionally, the Technical Appendix to the Specific Plan, mentions widening, but gives no details about the intersection improvements or their impacts to the cedars.

The HPSP EIR discusses the criteria and significance of the National Register and the California Register. It mentions the City General Plan Policy, 5.01 which says the City will encourage "public and private preservation efforts of "buildings, architectural sites and landmarks." But there is NO mention of cedars or loss of historic resources or impacts of cedar removal.

The EIR says that the "HPSP includes specific policy and plans for both East and West intersection improvements." However, the impacts for traffic were addressed, but not the impacts on the trees or the Hoey historic home and garden.

Mitigation Measures listed in the HPSP EIR state the following:

#18 - The applicants are responsible for widening 152 to 4 lanes between Santa Theresa and the East intersection. "Removal of cedar trees must be avoided wherever possible and improvements are to be consistent with State Scenic Highway guidelines."

#19 - The applicants are responsible for upgrading Hwy. 152 to a 2 lane arterial from the East intersection to Bonfante Gardens intersection. "Removal of cedar trees must be avoided wherever possible."

In short, because the EIR for the Hecker Pass Specific Plan lacks many pieces of information, and new information has come to light since it was written (that the tree row is eligible for the National Register and that the intersection improvements will take out 25-30 trees), it is impossible to address the cumulative effects adequately at this point, although it is imperative to do so!

Thank you for the opportunity to comment on the Initial Study. We look forward to working with both CalTrans and The City of Gilroy to resolve these issues.

Sincerely,

Carolyn Tognetti

Carolyn Tognetti

For Save Open Space- Gilroy
Cc Gilroy City Council

David Collier

David Collier

Connie Rogers

Connie Rogers

Response to comment #6:

6A: This is one of 16 expressions of support for the northern alignment option (Alternative A) noted in Appendix B Section 1.1.

6B: The Department agrees that removal of trees would constitute "a moderate to high adverse visual impact" if the southern alignment were selected. (Section 2.2.3.2). This alternative has been dropped in favor of the northern alignment alternative, which does not adversely impact the tree row

6C: The Department agrees that there would be a cumulative adverse impact on historic properties if the southern alignment were selected. See also the response for comment 7 M below.

South Valley Streams For Tomorrow

P.O. Box 1409

San Martin, CA 95046

(408) 683-4330 (voice & fax)

January 16, 2006



Comment # 7

Mr. Jared Goldfine
Senior Environmental Planner
California Department of Transportation, District 4
Office of Environmental Analysis
P.O. Box 23660
Oakland, CA 94623

Dear Mr. Goldfine:

Initial Study and Proposed Negative Declaration for the Uvas Creek Bridge Replacement Project, Santa Clara County 04-SCL-152-KP 0.408/0.522

We have the following comments for your consideration regarding the Initial Study (IS) and Proposed Negative Declaration (PND) for the proposed Uvas Creek Bridge Replacement Project (Project) located on Route 152 west of Gilroy, Santa Clara County.

We preface our comments with an understanding that an Initial Study is not required to include the level of detail included in an EIR. However, at a minimum, a negative declaration must demonstrate that potential adverse environmental effects have been avoided or mitigated "to a point where clearly no significant effects would occur". [CEQA Guidelines Section 15070(b)(1)] In our opinion, the subject PND/IS fails to satisfy this requirement for several potential impacts due to deficient and inadequate evaluations and/or omissions.

1. The IS fails to identify that Uvas Creek is designated as steelhead Critical Habitat. Uvas Creek, including the Project area, has been designated by the National Marine Fisheries Service (NMFS) as steelhead Critical Habitat pursuant to the Federal Endangered Species Act. This designation became effective January 2, 2006.

The lateral extent of critical habitat is the width of stream channel defined by the ordinary high-water line. This commonly equates to the bank full elevation. Steelhead Critical Habitat includes the streambed and banks and associated features and conditions essential to the conservation of the species, such as streamflow, water quality, shade from riparian vegetation, forage, cover and shelter from submerged rocks, boulders, large woody debris, and undercut banks; spawning gravel; and the absence of barriers to adult and juvenile steelhead migration.

A revised IS should identify that Uvas Creek is designated as steelhead Critical Habitat.

2. The IS fails to provide an assessment of potential impacts to Steelhead Critical Habitat. Designated Critical Habitat is a sensitive natural habitat for purpose of CEQA impact assessment.

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The proposed Project will alter the streambed and banks of Uvas Creek and may result in potential adverse impacts to select features of steelhead Critical Habitat, including water quality. Although potential impacts to some individual features of Critical Habitat have been identified in the IS, there has been no assessment of impact to the ecological functions of steelhead Critical Habitat as a defined, specific sensitive habitat.

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A revised IS should provide a focused assessment of potential impacts to the key features of steelhead Critical Habitat and the ecological functions of this sensitive habitat. Such an assessment of potential impacts to federally-designated steelhead Critical Habitat is particularly relevant because of the Project's nexus to a federal agency: the U.S. Department of Transportation.

3. The Project employs a cofferdam and streamflow diversion channel to mitigate potential impacts to water quality, streambed habitats, biological resources, and fish passage. Unfortunately, the IS fails to identify the type of cofferdam to be used and the best management practices (BMPs) to be employed in the construction, operation and removal of the cofferdam and diversion channel. Selection of an inappropriate type of cofferdam (such as an earthen dam) and use of improper methods of construction, operation and removal could result in adverse environmental impacts: such as streambed erosion, increased turbidity, streambed siltation, interruption of streamflow, cofferdam failure, etc.

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The IS fails to provide enough information about the proposed cofferdam and diversion channel to allow the public and decisionmakers to determine if the proposed mitigation action will actually mitigate potential impacts to a less than significant level and if there are any potentially significant environmental effects associated with the construction, operation and removal of the cofferdam and diversion channel. A full description of the type of cofferdam and the construction, operation and removal BMPs should be provided in a revised IS.

4. A revised IS should identify that an Environmentally Sensitive Area (ESA) will be established for the live channel as part of Project mitigation.

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5. Project activities on Uvas Creek during the June 15 through October 15 season of work for activities within the streambed have the potential to result in the "take" of steelhead, a threatened species pursuant to the Federal Endangered Species Act and a California Species of Special Concern.

Uvas Creek within the Project area provides summer rearing habitat for juvenile steelhead, which are known to be present within the Project area. It will be necessary to relocate the fish from the Project site prior to construction of the cofferdam and diversion channel in order to prevent death, injury, harm or harassment (take) of the juvenile steelhead. The potential for take of steelhead also represents a potential significant impact pursuant to CEQA. However, the IS fails to provide any information about relocating steelhead from the Project site prior to construction of the cofferdam and diversion channel and what methods may be employed to remove/clear steelhead from the site to prevent take of this listed species.

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A revised IS should describe how juvenile steelhead will be removed from the Project site prior to construction of the cofferdam and diversion channel in order to prevent incidents of "take" during construction.

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6. The proposed Project will provide connectivity for fish and aquatic wildlife species (fish, amphibians and reptiles) through the Project area during the two years of project work by way of an approximately 80-foot long diversion channel. This channel will provide a minimum water depth of 4 inches and a maximum flow velocity of 5.9 feet per second (IS page 5).

All work within the streambed will be limited to the period of June 15 through October 15 of each year, and this will be the season of operation for the diversion channel. This is outside the adult steelhead migration season for Uvas Creek.

However, during this time of the year, juvenile steelhead move both upstream and downstream while rearing within the stream reach. The diversion channel must provide for this two-way movement. It has been recommended by NMFS for other project sites on Uvas Creek that the plastic-lined channel should be lined with cobble-sized stones to deter predation by making the juvenile fish less conspicuous as they pass through the channel; that there be no impediments to fish movement in the channel; and that flow velocities in the channel match those present upstream and downstream at the time of work.

It should be noted in a revised IS that the National Marine Fisheries Service recommends that the maximum average water velocity for juvenile steelhead upstream passage should not exceed 1 foot per second (fps), and in some cases over short distances 2 fps may be allowed (Guidelines for Salmonid Passage at Stream Crossings, NMFS, September 2001). The 80-foot Project diversion channel should be designed to provide a maximum average flow velocity no greater than 1 fps to facilitate upstream movement of juvenile steelhead. Failure to provide for upstream movement of juvenile steelhead through the Project area would constitute a significant adverse impact pursuant to CEQA.

7. Monterey roach (*Lavinia symmetricus subditus*), a California Species of Special Concern, is known to inhabit Uvas Creek, including the Project area. This resident fish species will be affected by Project activities.

A revised IS should include Monterey roach in Figure 10 "Special-Status Wildlife Species with Potential Habitat in the Project Area", and include Monterey roach in the assessment of Project impacts to special status species.

8. It is reasonably foreseeable that pile work (and perhaps pier demolition) will encounter underflow or groundwater, and dewatering of pile work sites will be required. Water from such activities normally is very turbid. The IS defers identification of appropriate dewatering water disposal mitigation measures to subsequent investigations. Because of this deferral, the public and decisionmakers are unable to determine if water disposal will be conducted in an appropriate manner and if the action will result in any potentially significant water quality impacts to Uvas Creek, including steelhead populations and steelhead Critical Habitat in downstream reaches.

CEQA mandates that formulation of mitigation measures should not be deferred until some future time. We recognize that future on-site testing efforts may identify specific contaminants in dewatering water that may dictate specific disposal methods. However, the IS should identify the anticipated baseline disposal method(s) that will be necessary to mitigate the foreseeable circumstance of removing turbid water from dewatering sites.

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A revised IS should identify the specific mitigation(s) to be employed, or at a minimum, identify the specific water disposal options from which CalTrans will select a final measure; such as pumping dewatering water into Baker tanks for offsite disposal, or pumping the water into a filtration system before being discharged onto an upland area.

9. Regarding mitigation of potential water quality impacts in general, the IS states: "CalTrans has determined that compliance with standard water quality regulatory and permit requirements will assure that project water quality impacts are less than significant" (p. 27).

"Best Management Practices (BMPs) stated in the CalTrans NPDES and the Construction General Permits will be incorporated into this project to reduce the discharge of pollutants, both during construction and permanently, to the maximum extent practicable." (IS, p.28).

Unfortunately, the IS fails to identify site-specific/project-specific water quality mitigation requirements and BMPs to support the determination of less-than-significant impact. Identification of water quality BMPs (mitigation) is deferred to future actions (IS, p. 28):

Construction Site BMPs "will be specified in the SWPPP to be developed during construction."

Permanent Design BMPs: "will be developed during the design phase."

Permanent Treatment BMPs: "will be developed during the design phase."

In the absence of identified site-specific/project-specific water quality mitigation requirements including BMPs, it is difficult for the public and decisionmakers to determine if potential impacts to water quality have, in fact, been mitigated to a less-than-significant level. Pursuant to CEQA Guidelines Section 15070(b), a negative declaration may be used only where impacts are mitigated "to a point where clearly no significant effects would occur" (emphasis added). There is no demonstration in the IS that "clearly" no significant water quality impacts would occur.

A revised IS should, at a minimum, identify the baseline site-specific/project-specific water quality mitigation requirements including BMPs that would clearly demonstrate that impacts have been mitigated to a less-than-significant level.

10. The IS identifies that a minimum of 0.12-ha (0.3 acres) of wetland will be directly affected by the proposed Project. However, identification of appropriate mitigation, including possible compensatory mitigation, is deferred to future consultation and permitting actions by the U.S. Army Corps of Engineers and/or the California Department of Fish and Game. Based on the content of the IS, we are unable to determine whether the identified wetland impact will be mitigated to a less-than-significant level. The IS fails to identify mitigation for impacts to sensitive wetland habitat.

There appears to be an inherent assumption in the IS that future regulatory permits and agreements will mitigate wetland impact to a less-than-significant level. However, the IS provides no meaningful performance standards to assure the public and decisionmakers that the final result will, in fact, mitigate wetland impact to a less-than-significant level in the context of CEQA. Pursuant to CEQA, formulation of mitigation measures should not be deferred until some future time.

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A revised IS should identify specific mitigation(s) for Project impacts to wetland habitat, or at a minimum, identify mitigation performance standards that demonstrate that impacts will be mitigated to a less-than-significant level.

11. The Project will result in the removal of a substantial number of trees. The IS states on page 34 that "Removal of large trees will be mitigated at a ratio of five to one", with no reference to species; whereas, on page 35 the IS states that trees will be replaced "at a ratio of 5 to 1 for large oak trees and 1 to 1 for others". Further, on page 35 the IS states that "Creek-bed mitigation will involve a mixed riparian planting treatment that includes willow ...blackberry, ... sycamore... and cottonwood...". It is not clear whether large riparian trees will be replaced at the 5:1 mitigation ratio or the 1:1 mitigation ratio. It is not clear whether the 5:1 ratio applies only to oak trees.

A revised IS should define what constitutes a "large" tree for purpose of replacing at the 5:1 mitigation ratio and what constitutes the size criteria for replacing trees at the 1:1 mitigation ratio. Also, clarification should be provided as to whether the 5:1 ratio applies only to oak trees. To provide clarification, the revised IS should include a table identifying the species and number of trees to be replaced at the 5:1 ratio and the species and number of trees to be replaced at the 1:1 ratio.

Since riparian habitat is considered a sensitive habitat, loss of trees from this habitat is commonly mitigated at ratios of 3:1, 5:1 or greater. Employing a replacement ratio of 1:1 for loss of mature riparian trees would be inadequate and, in our opinion, would not reduce the impact to a less-than-significant level.

12. Environmental Significance Checklist:

Based on information provided in the text of the IS, it is clear that several of the checklist impact categories are erroneously designated as "No Impact" or "Less Than Significant Impact" and should be corrected to read as "Less Than Significant With Mitigation Incorporated". The Initial Study text does not reconcile with the checklist.

Throughout Chapter 2 of the IS, potential environmental impacts are identified and mitigation measures are proposed to avoid, minimize and/or compensate these impacts in order to reduce potential impacts to a less-than-significant level. Actions proposed to avoid, minimize and/or compensate for adverse environmental impacts are, by definition, CEQA mitigation measures. [CEQA Guidelines Section 15370] The mitigation measures, whether specific in detail or general in description, are essential in order to reduce identified adverse impacts to a less-than-significant level. Without mitigation, the impacts would be significant and unavoidable.

Example 1. Hydrology and Water Quality:

The Checklist designates all impact categories as "No Impact". Such a designation means that "the impact simply does not apply to projects like the one involved" [CEQA Guidelines, Appendix G] and there is no reasonable possibility the impact may occur.

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However, IS Section 2.4 identifies potential impacts to water quality and proposes mitigation measures: "Exposed land surfaces and construction activity will increase the potential for water pollution due to erosion"; dewatering activities may require "Special Provisions" to protect water quality; BMPs will be incorporated into the project "to reduce the discharge of pollutants, both during construction and permanently, to the maximum extent practicable"; the contractor will be required to follow the provisions of a site-specific water pollution control plan to avoid water pollution during construction, including keeping heavy equipment out of the water; a cofferdam and stream diversion will be installed to prevent construction activities from adversely affecting Uvas Creek by excluding water from the work areas during bridge construction and demolition; etc.

Even CalTrans' determination that "compliance with standard water quality regulatory and permit conditions will assure that project water quality impacts are less than significant" (IS p. 27, emphasis added) confirms that there are potential water quality impacts associated with the Project and, therefore, the "No Impacts" designation does not apply. In order to reduce water quality impacts to a less-than-significant level, numerous mitigation measures are required to avoid and minimize these impacts.

The proper Checklist designation for water quality impacts (such as impact category VIII. f) should be "Less than Significant With Mitigation Incorporated". A revised IS should provide this correction.

Example 2. Biological Resources:

The Checklist designates all impact categories as "Less Than Significant". For impact categories IV. a through d, the impacts are reduced to less-than-significant levels only through the employment of the mitigation measures identified in IS Section 2.5. These mitigation measures avoid, minimize and/or compensate for various potential adverse impacts to biological resources. Without these mitigation measures, the impacts would be significant and unavoidable. Examples include:

- The cofferdam and diversion channel mitigates Project impacts to the movement of Special-Status species, such as steelhead, red-legged frog, southwestern pond turtle and Monterey roach.
- The cofferdam and diversion channel and the pollution prevention measures provide partial mitigation for Project impacts to federally-designated steelhead Critical Habitat and Uvas Creek water quality in general.
- Replacing trees removed by the Project at both on-site and off-site mitigation locations provides compensatory mitigation for adverse impacts to sensitive riparian and oak woodland habitats.
- Installing exclusionary fencing and netting provides partial mitigation to Special-Status species such as red-legged frog, southwestern pond turtle, and Special-Status birds and bats.
- Timing construction to avoid the activity periods of sensitive species provides impact avoidance mitigation.

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- The loss of 0.12-ha (0.3 acre) of wetland habitat, a sensitive and regulated habitat, will require compensatory mitigation.

In order to reduce Project impacts to biological resources to a less-than-significant level, numerous mitigation measures are required to avoid, minimize and/or compensate these impacts. The proper Checklist designation for biological resources impacts IV. a through d should be "Less Than Significant With Mitigation Incorporated". A revised IS should provide this correction.

Example 3. Aesthetics:

The Checklist designates all impact categories as "No Impact". However, contrary to CEQA Guidelines Section 15063(d)(3), no supporting evidence is provided in Chapter 2, Figure 5: the "No Adverse Impact Determinations Summary". This fatal flaw requires correction in a revised IS.

The Project's southern alignment alternative will result in the removal of 15 Deodar Cedar trees, representing 13% of the Deodar Cedar Row. These trees are identified in the IS as a scenic resource. Removal of these trees may have the potential to "substantially degrade the existing visual character or quality of the site and its surroundings" - impact category I. c.

The IS discussion at Section 2.2.3.2 states the Project will not constitute a significant impact on the visual environment. However, the same discussion states the southern alignment would have a "minor adverse effect on scenic resources and temporarily degrade the existing visual character or quality of the project area", and "removal of the 15 cedars does constitute degradation of a scenic resource that, without mitigation, could be considered a moderate-high adverse visual impact under CEQA". (IS, p. 17; emphasis added).

This determination obviously does not support a Checklist designation of "No Impact". To the contrary, it supports a designation of "Less Than Significant With Mitigation Incorporated" for impact category I. c. A revised IS should provide this correction.

13. Proposed Negative Declaration (PND):

The PND Determination fails to address "Biological Resources."

The PND fails to provide a list of the mitigation measures included in the Project as required by CEQA Guidelines Section 15071.

Based on our prior comments (and in the absence of a condition requiring the preparation of an Environmental Impact Report) we believe the appropriate CEQA document for the proposed Project would be a Mitigated Negative Declaration, an alternative form of Negative Declaration.

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The Initial Study identified numerous mitigation measures to avoid, minimize and/or compensate for adverse environmental impacts. These mitigation measures, whether specific in detail or general in description, have been incorporated into the Project - the approach employed by the mitigated negative declaration process. Without these mitigation measures, adverse impacts would remain significant and unavoidable, and thus trigger the requirement to prepare an Environmental Impact Report (EIR).

Pursuant to CEQA Guidelines Section 15070, the Project clearly qualifies for a mitigated negative declaration rather than a simple negative declaration. And a mitigated negative declaration, by connotation, would serve CalTrans far better by emphasizing to an interested public and permitting agencies CalTrans' commitment to mitigate potential environmental impacts.

14. Deodar Cedar Row - Potentially Significant Cumulative Impact:

The following comments apply to the Project's southern alignment alternative.

The IS concludes that the Deodar Cedar Row "is considered to be a historical resource for the purposes of CEQA" (IS, P. 20).

Further, the IS concludes that the proposed removal of 15 cedar trees for the southern alignment alternative will not contribute to a significant cumulative impact - will not have impacts that are cumulatively considerable (IS pp. 23 and 51). We disagree.

The Deodar Cedar Row is a historic resource of great value and importance to the people of Gilroy. In determining whether the Project may have a significant effect on this historic resource or contribute to a significant cumulative impact, CalTrans is required to consider the local setting, including the local value and importance of the resource, because the significance of an activity may vary with the setting. [CEQA Guidelines Section 15064(b)]

CEQA requires the discussion of cumulative impacts when the project's incremental effect, the incremental contribution to cumulative impact, is cumulatively considerable.

"Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." [CEQA Guidelines Section 15065(a)(3)]

The proposed Project's southern alignment alternative will remove 15 Deodar Cedar Row trees, representing 13% of the total Row trees. A 13% loss of a historic resource could be considered a substantial loss in itself, particularly considering: "The Department has determined that the project will adversely affect the Route 152 tree row, if the southern alignment is selected" (IS, p. 38).

However, in the context of looking at cumulative impacts, the IS identifies an additional potential future loss of as many as 25 Row trees as a consequence of two probable future intersection projects per the Hecker Pass Specific Plan (IS, p. 23).

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The combined loss of 40 Row trees from the Project and probable future projects would represent a 35% loss of the historic resource. A potential 35 % loss of the historic resource must be considered a significant cumulative impact by any reasonable assessment. And the incremental contribution of each project to this significant potential cumulative impact likewise must be considered cumulatively considerable.

The greater the anticipated future cumulative impact, the lower the threshold should be for treating a project's contribution to cumulative impacts as significant.

We believe a fair argument can be made that the Project's contribution to cumulative impact is cumulatively considerable:

(1) The Project's incremental contribution (loss of 15 trees) represents 38% of the identified probable cumulative impact. This is a substantial portion of the total impact and represents a statistically significant portion of the impact.

(2) Removal of Row trees will increase the fragmentation and shortening of the Row, degrading the physical 'tree row' characteristic of this historic resource by dividing the tree row into smaller, isolated segments. This change will reduce the physical integrity of the resource as a defined single row of trees. The Project will contribute to this physical change.

(3) Increased fragmentation and shortening of the Row will increase the vulnerability of the remaining trees to wind-fall (toppling loss) due to the reduction in the physical integrity of the Row. This change places remaining trees at higher risk of loss.

(4) The Project's contribution to cumulative impact would materially impair the significance of the tree row as a historical resource. As stated in the IS, "areas where existing trees are removed ... would reduce the historic integrity of the Deodar Cedar tree row" (p. 17); and "Future incremental removal of trees from the historic tree row could damage the tree row's integrity, or the ability to convey its historical significance" (p. 23).

In the context of determining the significance of impacts to historical resources, a project that substantially contributes to an overall 35% loss of the resource obviously "materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance" (CEQA Guidelines Section 15064.5(b)).

By removing trees, the Project will contribute to the reduction and alteration of the physical characteristics of the tree row and materially impair the resource's ability to convey its historical significance. Such a change would be a significant effect on the environment.

(5) Shortening and fragmenting the Row into smaller, isolated segments would eliminate the characteristic of a single row of trees and materially impair the resource's ability to convey its historical significance. Such a change would be a significant effect on the environment. The Project will contribute to this impairment.

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(6) The Project's contribution to cumulative impact cannot be mitigated to a less-than-significant level. The individual trees are components of the historic resource, and once removed their historic value cannot be replicated by any on-site or off-site compensatory planting effort. The individual row trees are historic, one-of-a-kind trees. Replacement plantings, on-site or off-site, will not perpetuate this historic characteristic. Tree removal contributes to the loss of the historic integrity of the Deodar Cedar Row. The Project will contribute to this loss. The significance of the tree row as a historical resource would be materially impaired.

(7) "A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." [CEQA Guidelines Section 15064.5(b)] The Project will contribute to changes that will materially impair the resource's ability to convey its historical significance. These changes will constitute a significant effect on the environment.

We believe the above comments constitute a "fair argument" that the Project's southern alignment alternative may have a significant cumulative effect on the environment - on the Deodar Cedar Row historic resource. [CEQA Guidelines Section 15064(f)(1)].

The IS improperly ignores the Project's cumulatively considerable contribution to this potential significant cumulative impact and places the burden of cumulative adverse impact entirely on the future interchange projects: "If the southern alignment of the CalTrans undertaking is selected, there is potential for the City's project [the two intersections] to cause a cumulative adverse impact on the historic resource." (IS, p. 23) This approach improperly ignores the Project's incremental contribution to this cumulative impact!

Such an approach is contrary to the proper assessment of cumulative impacts. The assessment must look at the results of the combination of the Project together with other projects causing related impacts. The Project's incremental contribution must be viewed in combination with past, present and future projects. The combined impact would be the potential loss of 40 Row trees (a 35% loss of this historic resource) and the Project's contribution to this loss would be 15 Row trees, representing 38% of the total cumulative loss - a substantial contribution.

The IS fails to support the Checklist designation of "No Impact" for the Mandatory Findings of Significance cumulative impact assessment - impact category XVII. b. A "No Impact" determination cannot be justified for a project that will physically remove 15 historic trees from the historic resource - a removal that represents 38% of the cumulative loss when viewed in combination with other projects causing related impacts.

A revised IS Checklist should reflect this with a designation of "Potentially Significant Impact" applicable to the southern alignment alternative for Mandatory Findings of Significance impact category XVII. b (cumulative impact).

A determination that a cumulative impact may be significant and the Project's incremental effect is cumulatively considerable triggers the requirement to prepare an Environmental Impact Report (EIR). [CEQA Guidelines Section 15064(h)(1)] A Project that results in a significant and unavoidable environmental impact cannot be approved pursuant to a

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negative declaration or mitigated negative declaration. If during the negative declaration process evidence is presented that the Project may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency must prepare an EIR. [CEQA Guidelines Section 15073.5(d)]

If CalTrans selects the southern alignment for implementation, with its potential significant cumulative impact, an EIR will be required. Also, a Statement of Overriding Considerations will need to be adopted when the Project is approved to address the significant and unavoidable cumulative impact to the historic Deodar Cedar Row. In our opinion, it would be difficult to justify such a Statement considering there is a viable northern alignment alternative with less adverse environmental effect.

In our opinion, the Proposed Negative Declaration and Initial Study would not survive judicial review if used to support the selection of the southern alignment alternative.


Like all concerned members of the public, South Valley Streams For Tomorrow relies on CalTrans' environmental assessment document for an accurate and meaningful assessment of the Project's likely impacts and identification of effective mitigation measures. For the reasons stated in this letter of comment, we believe the Initial Study and Proposed Negative Declaration are flawed. Therefore, we recommend against adoption of the PND until the concerns and recommendations presented in this letter of comment have been fully addressed in a revised environmental document and Initial Study.

Thank you for the opportunity to comment on the subject IS and PND. If you have questions about our comments and recommendations, please contact me at the letterhead address, by telephone at (408) 683-4330 (voice and fax), or by e-mail at: streams42morrow@earthlink.net.

When available, please send us a copy of the draft final environmental document and Initial Study. Also, please provide us timely notice of any public meetings or hearings on the Project and its environmental documents.

Please send us a copy of the Notice of Determination concurrent with the filing of the Notice with the County Clerk of Santa Clara County.

Sincerely,



Keith R. Anderson
Environmental Advocate

cc: Mr. Jeffrey S. Lawson
Attorney at Law
Silicon Valley Law Group

Response to comment #7:

7A: A Biological Assessment has been prepared for the proposed project that does identify and address steelhead critical habitat within the project area. The biology section of this document (Section 2.5) has been modified to reflect this.

7B: Temporary impacts to steelhead critical habitat will result from construction of the cofferdam and water diversion channel. Avoidance and minimization measures will be implemented to ensure the least possible impact to steelhead and steelhead critical habitat. Since no permanent structures will be installed in the active channel, no permanent impacts to steelhead critical habitat will result from the proposed project. This issue is more fully discussed in Section 2.5 of this document and in the biological assessment.

7C: Additional information about the cofferdam has been included in the project description (Section 1.1.3)

7D: Environmentally sensitive area (ESA) fencing will be installed and maintained as required by regulatory authorities. In the case of the diversion channel, ESA fencing will be installed along the length of the U-channel's K-rail to prevent construction personnel and equipment from entering the active channel.

7E: The Department concurs that the proposed project is likely to adversely affect steelhead during the construction phase and that an incidental loss or take may result. Compliance with U.S Fish and Wildlife Service and State Department of Fish and Game permit requirements is considered adequate to assure that the best practices are used to minimize adverse impacts.

7F: The U-channel and cofferdam will be designed to ensure unrestricted fish passage. Protective measures such as placement of cobble sized stones within the U-channel may be included if required or authorized by the National Marine Fisheries Service, the State Department of Fish and Game or other regulatory bodies. Additional information about the cofferdam has been included in the project description (Section 1.1.3)

7G: The Monterey roach (*Lavinia symmetricus*) has been added to the list of special-status species with potential habitat in the project area (Figure 10). The proposed project will temporarily impact monterey roach riverine habitat by the construction of a cofferdam and diversion channel, which will temporarily disturb approximately 975 m² of riverine habitat during the first year of construction and 860 m² during the second year

of construction. There will be no proposed project will not result in permanent impacts to the monterey roach.

The following avoidance and minimization measures incorporated into the project will reduce impacts on the monterey roach to insignificant levels:

- Minimize the size construction area.
- Use ESA fencing to delineate approved work areas.
- Limit construction and demolition activities to between June 15 and October 15.
- Use best management practices to assure that project activities do not adversely impact adjacent natural resources.

7H: Caltrans agrees that dewatering of bridge pile excavations may be required. In this event, compliance with standard construction management practices will assure that associated water quality impacts are less than significant. Caltrans construction practices in this area are governed by National Pollution Discharge Elimination System (NPDES) Permit number 99-08-DWQ, CAS000002, which requires preparation of a plan to reduce discharge of pollutants from the project site during construction. NPDES permitting requirements allow discharges consisting solely of storm water or minor discharges of non-storm water containing sediment as the only pollutant to flow back into the stream. The definition of a minor discharge within the jurisdiction of the Central Coast Regional Water Quality Control Board (RWQCB Region 3), where this project is located, is less than 0.25 million gallons per day and 4 months duration. A major discharge of non-storm water or storm water, or non-storm water discharges containing pollutants other than sediment, requires a site-specific dewatering permit from RWQCB Region 3.

7I: There are no U.S. Army Corps of Engineer wetlands in the biological study area. Impacts to waters of the U.S. are temporary and result from the construction of the water diversion channel and cofferdams. These impacts will be mitigated on-site following construction. Impacts to California Department of Fish and Game (CDFG) waters are also temporary and will be mitigated on-site following construction. Both regulatory bodies through the normal permitting process will approve mitigation measures. This issue is more fully discussed in Section 2.5 of this document and in the biological assessment.

7J: The proposed project will impact a total of 63 Valley Oak and Coast Live Oak trees. A total of 53 of these trees occur within the coastal oak woodland habitat north of SR 152 and west of Burchell Road, three within Urban habitat of the project area, and seven within the riparian habitat of the project area. All trees greater than 6 inches in diameter


at breast height (DBH) will be mitigated at either a 1:1 ratio or 5:1 ratio. Large Oak trees that provide greater habitat values, as determined by the California Department of Fish and Game, will be replaced at a 5:1 ratio.

7K: This project will be built using the standard Caltrans construction process, which includes compliance with environmental protection permit requirements in the areas of biology hydrology and water quality. Because Caltrans complies with these requirements as a matter of procedure, they are not considered mitigation measures. Therefore a checklist rating of "less than significant" is justified. With respect to Aesthetics, the checklist ranking for scenic resources impacts has been changed from "no impact" to "less than significant impact". This change takes note of the fact that this environmental determination applies only to the northern alignment, which does not impact the Deodar Cedar tree row.

7L: The question of whether the appropriate environmental document is a negative declaration, mitigated negative declaration, or EIR relates entirely to visual and cultural impacts associated with southern alignment option. This alternative has been dropped in favor of the northern alignment option, which clearly warrants a negative declaration as further explained below. If the southern alignment option is reconsidered in the future, the Department will consider cumulative impacts on the tree row from not only this project but also local subdivisions proposed to the east, and prepare the appropriate environmental document. With respect to the northern alignment, a negative declaration rather than a mitigated negative declaration is considered appropriate for two reasons. First the new bridge will continue the existing public use in a way that is less disruptive to the natural environment. Except for aesthetics and cultural resources, where opinions may differ, there is no question that new facility will be environmentally superior to the existing one. The number of obstructions in the waterway will be reduced from three to one, for example. The second reason is that the Department's standard construction practices, without modification, will be adequate to assure that there will be no significant construction related environmental impacts. This process includes obtaining the permits and approvals listed in Figure 4. The project is not technically complex and does not pose any unique design or environmental challenges. Therefore, although exact conditions and specific permit requirements have not yet been determined, there is every reason to expect that standard procedures and practices will be adequate to deal with all foreseeable contingencies.

7M: The Department agrees that there would be a cumulative adverse and potentially significant impact on the tree row if the southern alignment were selected and local development plans which also impact the tree row are implemented. This situation will not arise however because the Department has decided to pursue the northern alignment option, which will not adversely impact historic properties alone or cumulatively.

Comment #8:

COMMENT CARD			
Name (Please Print)	Arthur Baron		
Address (Home)	710 Catherine Ct	city Gilroy	state Ca zip code 95020
Authorized Representative (Name of organization or agency)	Gilroy Planning Commission		
Address (Business)	710 Catherine Ct.	city Gilroy	state Ca zip code 95020
Comments:	NORTHERN PLAN FOR BRIDGE.		
<p>I also support the alternative plan that has the least impact on the Theodora Cedars.</p>			
<p> For more comments use reverse side.</p>			
SON/9-28			

Response to comment #8: This is one of 16 expressions of support for the northern alignment option (Alternative A) noted in Appendix B Section 1.1.

Comment #9:

COMMENT CARD


Name (Please Print) CHRIS COTÉ

Address (Home) ISIS WELBURN AVE. city GILROY state CA zip code 95020

Authorized Representative (Name of organization or agency) _____

Address (Business) _____ city _____ state _____ zip code _____

Comments: I SUPPORT THE NORTHERN BRIDGE
ALIGNMENT + A NORTHERN ROADWAY ALIGNMENT
INTO TOWN. I SUPPORT SAVING ALL
POSSIBLE TREES AND A RETAINING
WALL THE BLENDS INTO THE SURROUNDING

 **Caltrans**

For more comments use reverse side.

Response to comment #9: This is one of 16 expressions of support for the northern alignment option (Alternative A) noted in Appendix B Section 1.1.

Comment #10:

COMMENT CARD


Name (Please Print) FRANK HASTINGS

Address (Home) 500 W. 10TH ST #82 city Gilroy state CA zip code 95020

Authorized Representative (Name of organization or agency) 745 Post Office (Ret)

Address (Business) _____ city _____ state _____ zip code _____

Comments: I Like the Alternative "A" design. Also, I
Like the "Natural" Looking wall. Please send
me a map of each proposal so I can show my
Mom, who can't leave the house. Keep as many of the
historic trees as possible. Thanks for allowing us to have input
into this matter.

 **Caltrans**

For more comments use reverse side.

Sincerely, Frank

Response to comment #10: This is one of 16 expressions of support for the northern alignment option (Alternative A) noted in Appendix B Section 1.1.

Comment #11:

COMMENT CARD


Name (Please Print) Roberta H. Hugan

Address (Home) 338 5th St. city Gilroy state CA zip code 95020

Authorized Representative (Name of organization or agency) _____

Address (Business) _____ city _____ state _____ zip code _____

Comments: Definitely prefer the northern alignment.
Please work with the City of Gilroy in
planning this new alignment. Possible
types of ^{retaining} walls look good.
I am a member of board of the Gilroy Historical Society.

 **Caltrans**

For more comments use reverse side.

Response to comment #11: This is one of 16 expressions of support for the northern alignment option (Alternative A) noted in Appendix B Section 1.1.

Comment #12:

COMMENT CARD


Name (Please Print) Tom Muniz

Address (Home) 422 Willy Ct city Gilroy state CA zip code 95020

Authorized Representative (Name of organization or agency) Bicycle & Pedestrian Advisory Board

Address (Business) _____ city _____ state _____ zip code _____

Comments: Please consider the accommodation of
a class I trail crossing 152 at the
bridge considered for upgrade. with the
increase in population, and access by bicylists
and pedestrians shall be discussed & incorporated
in design.

 **Caltrans**

(Ref City and County Plans)

For more comments use reverse side.

1
2
A

COMMENT CARD


Name (Please Print) Tom Muniz
 Address (Home) 422 Willy CT city Gilroy state CA zip code 95020
 Authorized Representative (Name of organization or agency) Bicycle & Pedestrian Advisory Board
 Address (Business) _____ city _____ state _____ zip code _____
 Comments: Please consider the accommodation of
class 2 bicycle access along 152 (including
bridge paths). With the increase in population
in nearby area and the interest of non-motorized
transportation, access by bicyclists shall be
discussed & incorporated in design. (Ret city and county plans).
 For more comments see reverse side.

1
2
B

COMMENT CARD

Name (Please Print) Tom Muniz
 Address (Home) 422 Willy CT city Gilroy state CA zip code 95020
 Authorized Representative (Name of organization or agency) Bicycle and Pedestrian Advisory Board
 Address (Business) _____ city _____ state _____ zip code _____
 Comments: Please consider the inclusion of overhead
lighting (as with onramp and offramp of highway)
near the Burchel Rd cross street. Also, consider
the use of very high reflective striping in this
area for the 152/Burdell Rd intersection.
Let's prevent accidents at this area with the increase in traffic
forecasted.
 For more comments see reverse side.

1
2
C

COMMENT CARD				
Name (Please Print)	Tom Muniz			
Address (Home)	422 Willy Ct	city	Gilroy	state CA zip code 95020
Authorized Representative (Name of organization or agency)	Bicycle and Pedestrian Advisory Board			
Address (Business)		city		state zip code
Comments:	<p>Please consider the inclusion of a soft median barrier along 152 upgrade length of project. In place of K rail, this soft median barrier would be provide a means of preventing cross overs, especially near the  Burchell Rd cross street.</p> <p><small>For more comments use reverse side.</small></p>			

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D

Response to comment #12:

12A: The Hecker Pass specific plan does not show the Class I trail extending beyond the intersection of SR 152 with Burchel Road. Although not included in the current design, constructing a new bridge would not preclude extending the Class I trail in the future.

12B: Plans do not currently call for designation of a Class II bike trail along SR 152. Planned shoulder widths permit doing so in the future however. At an average of 2.4m, the new bridge shoulder is wider than that of the existing bridge (2.0 m). It is also more than twice the minimum width prescribed for bike lanes in the Highway Design Manual (1.2 m).

12C: Consideration of additional project features, such as lighting, striping and soft median barriers is beyond the scope of this project.

12D: See response to comment 12 C.

Comment #13:

COMMENT CARD

Name (Please Print) Jon Olcott


Address (Home) 8540 El Matador city Gilroy state CA zip code 95020

Authorized Representative (Name of organization or agency) _____

Address (Business) _____ city _____ state _____ zip code _____

Comments: We are strongly opposed to cutting down the Cedar Trees along Hecker Pass to accomplish the Uvas Bridge project. We favor the Northern (A) alignment.

Jon Olcott JMO

 **Caltrans**

For more comments see reverse side.

COMMENT CARD

Name (Please Print) Linda Jane Olcott


Address (Home) 8540 El Matador city Gilroy state CA zip code 95020

Authorized Representative (Name of organization or agency) none

Address (Business) _____ city _____ state _____ zip code _____

Comments: I favor the Northern (A) alignment as it does not cut down the Deodor Cedar Trees which gives the highway (152W) a beautiful scenic appearance + makes it a pleasure to drive.


Linda Jane Olcott

 **Caltrans**

For more comments see reverse side.


Response to comment #13: These are two of 16 expressions of support for the northern alignment option (Alternative A) noted in Appendix B Section 1.1.

Comment #14:

COMMENT CARD			
Name (Please Print)	ANDY ORDON		
Address (Home)	8843 BURCHELL RD	city GILROY	state CA zip code 95020
Authorized Representative (Name of organization or agency)			
Address (Business)		city	state zip code
Comments:	WAS HOPING TO HAVE BRIDGE REPAIRED IN LIEU OF THAT, I PREFER THE NORTHERN OPTION		
			

Response to comment #14: This is one of 16 expressions of support for the northern alignment option (Alternative A) noted in Appendix B Section 1.1.


Comment #15: Puente:

COMMENT CARD			
Name (Please Print)	Ermelindo Puente JR		
Address (Home)	7637 Santa Maria CT	city GILROY	state CA zip code 95020
Authorized Representative (Name of organization or agency)	City Commission		
Address (Business)		city	state zip code
Comments:	I like Alternative "A" Layout		
			

Response to comment #15:


This is one of 16 expressions of support for the northern alignment option (Alternative A) noted in Appendix B Section 1.1.

Comment #16:

COMMENT CARD			
Name (Please Print)	JACK RICHARDS		
Address (Home)	8555 BULLCHELL	city GILROY	state CA zip code 95020
Authorized Representative (Name of organization or agency)			
Address (Business)		city	state zip code
Comments:	I'd like to see a copy of the "bridge report" indicating the degree of damage and the need to replace the current bridge		
			
For more comments see reverse side.			

Response to comment #16: A copy of the report was mailed to Mr. Richards.

Comment #17:

COMMENT CARD			
Name (Please Print)	Connie Rogers		
Address (Home)	7690 Santa Theresa Dr	city Gilroy	state CA zip code 95020
Authorized Representative (Name of organization or agency)	Save Open Space - Gilroy		
Address (Business)		city	state zip code
Comments:	We STRONGLY prefer Alternative A the northern route and using the simulated rock retaining wall. We DO NOT agree with the negative declaration.		
			
For more comments see reverse side.			

Response to comment #17: This is one of 16 expressions of support for the northern alignment option (Alternative A) noted in Appendix B Section 1.1.

Comment #18:

COMMENT CARD


Name (Please Print) CAROLYN TOGNETTI

Address (Home) 820 CARIGNANE DR city GILROY state CA zip code 95020

Authorized Representative (Name of organization or agency) _____

Address (Business) _____ city _____ state _____ zip code _____

Comments: I WOULD FAVOR ^{THE} ALIGNMENT OF ALTERNATIVE A -
THE NORTHERN ALIGNMENT. THIS WOULD PRESERVE
THE HISTORIC TREE ROW THAT ADDS SO MUCH BEAUTY TO
A MAIN ENTRANCE TO OUR CITY. ALSO, THE CUMULATIVE NEGATIVE
EFFECT OF ALIGNMENT B ADDED TO THE CITY OF GILROY'S

 For more comments use reverse side.

OVER →

DEVELOPMENT OF THE HECKER PASS SPECIFIC PLAN, WHICH WOULD DESTROY 25 OF THE HISTORIC DEODARA TREES, WOULD BE A DEVASTATING EFFECT ON THIS HISTORIC, HEALTHY ROW OF TREES.

I WOULD ALSO URGE CALTRANS TO WORK WITH THE CITY AND TO ENCOURAGE THE CITY TO DO ANY WIDENING ON THE NORTH SIDE OF THE ROAD.

I WOULD FAVOR THE NATURAL STONE-LIKE RETAINING WALL IF THE NORTHERN ALIGNMENT IS CHOSEN.

THANK YOU FOR ALLOWING & CONSIDERING THESE COMMENTS.

Carolyn Tognetti

Response to comment #18: This is one of 16 expressions of support for the northern alignment option (Alternative A) noted in Appendix B Section 1.1.

Comment #19: The following is text of an email received January 18, 2006 from Stephen L. McHenry Carolyn A. Straub from San Jose, CA.

"We are submitting our comment before the deadline of Jan. 23, 2006, when Gilroy City Council is set to take a formal position on a plan that includes removing many historic cedar trees along Highway 152 in Gilroy.

The Council has proposed a terrible idea - perhaps the removal of more than 30 cedars to improve "a line of sight for motorists." This idea will tie up Highway 152 for oncoming traffic, cause mayhem in driving lanes while the construction and removal is taking place, spoil quiet Sunday drives, and ruin the entry to a scenic Highway 152 while it is being implemented.

Please find a more moderate alternative to this plan.

We are in support of an editorial written by Connie Rogers, of Save Open Space Gilroy, published Sunday, Jan. 15, 2006, in The Pinnacle, Hollister, CA. Here is a link, if you have not yet seen it: <http://www.pinnacledenews.com/views.php>.

We are Santa Clara County residents in south San Jose, about 10-25 miles from these trees near Bonfante Gardens. We join those who are alarmed at the cedar's proposed removal along Highway 152, and the general rapid development of Gilroy, CA. In regard to the proposed removal of many of these cedars that are located between Santa Theresa Boulevard in Gilroy and Bonfante Garden, we ask you to prevent the Hecker Pass Specific Plan that calls for two roads serving the project to intersect Highway 152 *at the expense of removing possibly 30 historic cedars* or even more.

Development unregulated is not an answer to what makes Highway 152 through the Hecker Pass a scenic and worthwhile highway.

We ask you to pass a plan that will save as many trees - the cedars - as will retain Highway 152's original character, important to retaining California as it once was - the Santa Clara Valley.

What may not be understood is the value of these trees, their value, for instance, in the intense summer heat. How do we repay nature by tearing what is worthwhile? Money with development on such a scale could not possibly replace the value of clean air, clean water, and the health from a view of trees and forests.

If these cedars are deemed eligible for the National Register of Historic Places, then do so, as many cedars as can be deemed with care."

Response to comment #19: This is one of 16 expressions of support for the northern alignment option (Alternative A) noted in Appendix B Section 1.1.

Comment #20: The following is an account of a January 24 phone call from Dean Moon (408-848-5242) received by Project Manager Jean Higaki.

Mr. Moon owns 85 acres of property near the project site.

He is in favor of removing the Historic Trees and thinks they are a hazard.

He claims that many people have had fatal accidents running into the trees and that bikes and cars hitting them also damage the trees.

He claims that Caltrans prunes the side facing the roadway but that no one prunes the other side of the trees facing away from the roadway.

He says he would not mind replanting trees a further distance from the traveled way.

Response to comment #20: This is one of two expressions of opposition to the northern alignment option (Alternative A) noted in Appendix B Section 1.1.